

THE SOCIOLOGICAL REVIEW

VOL. VII. No. 4.

OCTOBER, 1914.

THE MOBILISATION OF NATIONAL CREDIT.

THE natural and almost inevitable tendency in discussing the internal social problems raised, or intensified, by the war will be to emphasize the economic and statistical, financial and philanthropic aspects. But the essential aim of a sociological inquiry should be to press forward and emphasize the social aspects of the whole set of internal war problems. As well as labour, unemployment, and short time, we must consider the reduction of the income of professional, scientific, literary, artistic and other classes, the effect on trades and industries that serve these classes, and the reaction of diminished cultural activity on all classes, a reaction affecting a whole generation and more. From this point of view, the problem is one of maintaining the civilization of the community while at war; and further, there is the problem of utilizing the awokenness evoked by war to direct attention to problems of civilization relatively dormant in peace times. How, for instance, to use the artistic and literary classes largely unoccupied during war, not only for maintaining but even for raising the standard of education and popular taste.

The suggestion of course is not to abandon the conventional standpoint, but, starting from this, to see how as sociologists we are inevitably led on to further issues. Let us then make our approach by two stages, (1) economic and statistical, and (2) social proper.

I. Economical and Statistical Problems.

(a) How maintain as near as possible at its normal that flow of goods and services which constitutes the aggregate income of the nation?

(b) How estimate the amount and distribution of unemployment and distress, actual and prospective?

(c) How relieve existing unemployment and distress? How prevent their increase?

(d) How effect such relief and prevention by constructive or educational work rather than by eleemosynary aid or merely by occupational makeshifts?

As regards the problems (c) and (d) above, these have been treated with great fulness and clearness by Mr. Sidney Webb in

his statesmen-like paper, "The Workers and the War" (Fabian Society, 1d.), which is doubtless already in the hands of many members of the Sociological Society.

As regards (b), that investigation is in the hands of a Statistical Committee appointed by the Government, under the able and devoted chairmanship of Mr. Seebohm Rowntree.

We fall back, therefore, on the first of the problems:—How to maintain the flow of goods and services that make the national income. The core of this question has been recognized by business men and by the Government as essentially a matter of credit. The home trade depends for its continuance upon the payment of goods in advance of manufacture, and the foreign trade on payment in advance of delivery. In the former case the intermediate operation of converting bookkeeping debits and credits into money is effected by the banks and discount houses, in the latter by the accepting houses. All three institutions are alike in that their business consists in the simple operation of buying debts and credits of others and selling their own credit, which credit is by custom convertible into cash. When war broke out people became afraid that the custom of converting the credit of banks, discount houses and accepting houses would not hold and a certain paralysis of trade was threatening. Government aid was invoked and various measures were taken. The chief and essential measure was a national guarantee of certain debts and credits on a wholesale scale. This was a new and unprecedented proceeding, and important questions arose. Whose debts and credits were to be guaranteed? The selection rests in the last resort on the governors of the Bank of England. This means that the Bank has been endowed with a power of selection, determining the economic survival of many firms and individuals in the present time of storm and stress. The wise exercise of this power of economic selection and determination of survival by the governors of the Bank of England will not be questioned. On the contrary, the social observer notes it as an instance of the sociological law that economic power tends to replace political power, and he asks—would it not be well consciously to extend it still further? Do not the needs of the hour demand that the national credit be used to maintain the productive activities beyond the inner circle of great bankers, merchants and manufacturers? And if so in whose hands should be placed the authority to wield the power of economic selection? Where can be found the experience, the wise counsel and judicious administration which in the delegation of national credit could serve the outer economic circles as the governors of the Bank of England serve the inner? Or, putting the question in another way, what administrative machinery exists or could readily be created for extending these new national functions of the Bank of England to the confines

of the economic circle? How can we secure that no producer, however humble, be deprived of his morsel of national credit, if he needs it and can prove to his peers that its use would raise his economic potential?

Though this is hardly the time to invoke the example of Germany, so often appealed to by social reformers, yet there are signs that one of the staying factors of Germany in the present crisis is the organisation of credit for small people. Thus, for example, a writer in the *Westminster Gazette* of September 21st, in an article on the internal condition of Germany, said: "Everywhere throughout Germany credit banks are projected or being established with the idea of helping the small man. The capital is guaranteed by the commune, or a co-operative society, supported by the larger firms. The amount of credit which these banks are prepared to advance is amazing. At Frankfort, for example, it is proposed that credit to the amount of ten million marks shall be advanced on a cash deposit of 1-20th of that sum." The writer then went on to explain that "the experiment is only possible because the German mind, as revealed in the German press, up till ten days ago was full of confidence owing to the advance of the army in France." A deeper explanation may be found in the fact—apparently unknown to the *Westminster Gazette's* contributor—that in Germany the social use of organized credit has long been understood, and its application to the linking up of small people to the great banking system has long been practised.

The beginnings of a similar social use of credit exist in Great Britain and Ireland. One should say Ireland and Great Britain, since the pioneer in this movement has been the Irish Agricultural Organisation Society, founded by our foremost rural statesman, Sir Horace Plunkett. There followed the (English) Agricultural Organisation Society, whose general secretary, Mr. Nugent Harris, is one of the ablest disciples of Sir Horace Plunkett, and then the Scottish Agricultural Organisation Society. The Rural Housing Organisation has applied co-operative principles in another field, and here again control of capital is most desirable; and most recently has been founded, on lines similar to the Agricultural Organisation Society, the Fisheries Organisation Society. The Co-operative Banks Association, the pioneer of co-operative credit in England, was long ago merged in the Agricultural Organisation Society, but its offshoot, the Urban Banks Association, continues, though fitfully, the effort to apply the principles of co-operative credit in the towns and cities. These organisations, along with other bodies, such as the Urban Co-partnership Tenants Societies, constitute a group in which may be found the elements of that administrative machinery needed to make a similar application of the national credit to the outer economic circles which the Bank of England

and its governors is now, under pressure of the war, making to the inner circles. Initiatives towards this already exist. Through their operation, the national credit has already been used to divert large capital sums to the financing of *petite culture*, or to the building of artisan dwellings in towns and rural labourers' cottages. From a social banking point of view, the problem is to co-ordinate these too sporadic initiatives towards the financing of small people, and deliberately incorporate them into that great system of joint-stock and private banks which the present crisis has revealed as resting in the last resort on national credit.

Now the banking point of view comes very close to the sociologist's outlook, for, of all economic operations, banking is the most generalized. Thus the sociological importance of the banker was recognized by the founder of Sociology, though since overlooked by most sociologists. The concentration of selective control, which we are to-day witnessing in the Governor's Court of the Bank of England, is suggestive of the "triumvirate of bankers," which Comte foresaw at the apex of the temporal power in the modern state.

The new Council of State sitting in Threadneedle Street represents the private and joint-stock banking system. Can we not supplement it by a similar council representing the co-operative credit system; or more simply and more directly, can we not introduce into its counsels a leaven of co-operative credit? If so then the activities of the new Council of State would be notably advanced. We should be on the way towards achieving the systematic extension of national credit to the small people outside the ordinary banking circles, and thus aid not only in maintaining their economic potential in wartime, but even raising it to higher levels. And simultaneously would a deliberate step be taken towards the long overdue "socialising of finance."

II. *Social Problems.*

The whole set of organisation societies we are considering associate themselves with business enterprise, not in order to make other than a limited profit, but primarily to improve the quality of business, and this alike in its economic and social aspects. They organise to retain the stimulus of competition, while replacing its waste and friction by the economies of a humanising co-operation. They organise to ensure that business enterprise shall result in a real betterment of environment. Expressing the genius of the Irish Agricultural Organisation Society, there runs as a refrain through the writings of Sir Horace Plunkett the saying, "Better business, better farming, better living." The practical results of this combination of business and statesmanship are revealed to the traveller in Ireland by the sight of renovated villages and their

prospering inhabitants. In England the public is familiar with the reconstruction of environment resulting from the activities of societies, trusts or associations which, though calling themselves by such appellations as co-partnerships, garden city, or garden suburb, are essentially housing and town-planning organisation societies.

To ensure the continuance of all such efforts, at once commercial and social, during the crisis of war is manifestly a matter of no small national concern. There is reason to fear that not a few may be in jeopardy, notably, for instance, many of the *petite culture* societies, created with such painstaking industry during the past decade. The collapse of any considerable number of these would not only be a disaster to the rural revival movement but would also react on the national food supply. All that is needed to ensure the survival of these and other similar societies, so hopeful for the future, is an application of national credit wholly insignificant in amount in comparison with that extended to the mercantile community, and pound for pound, certainly not more attended by risk. But on other grounds also the plea is advanced, for the initiative would constitute a banking reform of first-rate social significance.

The organisation societies are concerned with the transformation of environment. Add to their work a spiritual and æsthetic leaven, and there follows not only that ennobling and dignifying of life which inspires genuinely creative work, but also a positive increase of economic efficiency. A friendly critic of the present thesis denies all value in war time to the man of artistic capacity who can neither fight nor make crude material. The immemorial tradition of regimental music sufficiently counters that argument; and stories such as that of the Russian tenor—veritable reincarnation of Tyrtæus—maintaining and heightening the spirit of troops in the trenches, show how the same principle might advantageously be extended even on the field of battle. But the question is as to its organised application to the secondary purposes of war. The social evils inevitably emerging in the new military camps are already clamant for artistic leadership in providing the finer in place of the coarser pleasures. The higher military efficiency that would ensue is surely matched by the higher economic efficiency that would result from a due introduction of artistic leadership in internal problems, industrial and social, of a people at war. Hence the plea of mobilising credit for the maintenance at full and even enhanced activity, not only of the organisation societies but also those of a recreational and æsthetic order. And above all, perhaps, is there need in the supreme national crisis of war alike to ensure the survival of those marginal organisations which devote themselves to the high tasks of co-ordination, and also to call upon

them for guidance and thus utilise for the nation their accumulated experience. Were the credit resources of the nation adequately utilised under the direction of bankers with the gift of far-seeing statesmanship, it would be recognised that there are not a few societies, endowed with some vision of unity, which are capable of giving invaluable aid in the distribution of credit.

Among the varying types of such societies there exist a few, which, by reason of their scientific grasp of national wealth as something concrete and definite which can be planned ahead in orderly development of the present for the future, have particular relevance to the subject of credit. For in credit there are three main factors. The first is the honour and the instinct of workmanship, of the labouring and professional classes, which assures the future supply of goods and service. The second is the skill of accountants in devising and applying abstract notations for the accurate record of debts and credits, and their periodical balancings. The third is the practical wisdom of banker-statesmen in assessing the present value of unliquidated debts and redistributing that value as credits. Now the planning of home, village, suburb, town, city—each as a unit in itself but also as collectively integrated into the larger units, regional, national and international—is the pre-occupation of that rising profession whose representative organisation is the Town-Planning Institute. The legitimate specialism of these new students and practitioners of co-ordination is the whole material environment of society and its orderly transformation. But may there not be also a legitimate specialism in the foresight and purposive planning of human life, in its individual phases, domestic, parochial, suburban, civic, regional, national and international, each and all in due correlation with the corresponding transformations of the material environment? At any rate such is the problem towards which studies have for long been accumulating, with some modest initiative of practical endeavour, among the students of Civics as practical sociology in Edinburgh and elsewhere, of which the central concept of realisable ideals as regional Utopias is becoming widely known.¹ The suggestion is that it belongs to the accountant to think out and apply to such specialised activities the appropriate notation for record of their debts and credits and the balancing of their long-distance periodicities—that it belongs to the banker-statesman practically to recognise and estimate the corresponding present values with due allocation of that credit which means control or direction of capital. And here, in such practical recognitions, is, it is contended, a deep selective factor in the struggle of nations for survival in war and peace.

1. See Branford's *Interpretations and Forecasts*. (Duckworth, 1914.)

The business of the banker is to allocate credit (which in the last resort we know to be national credit) to approved types of society (such as joint stock companies) or individuals. The banker is thus one of the most potent agents of social selection, and it becomes important to inquire into his criteria of approval. To what extent is the making of the fortune of the more complex and lasting societies we call village, town, city, nation, on all fours with the making of the fortune of individuals and commercial societies (such as joint stock companies) approved by bankers? There is a gathering feeling that too many individuals and joint stock companies make their fortune to the deterioration of nations, the detriment of cities and the decay of villages. The banker's criteria of social selection manifestly need revision from time to time, and that by a more continuous and searching criticism than the customary process of fortuitous amendment. To discuss this sociological question alike in its general bearings and in reference to the needs of certain betterment societies and organisations in the present crisis would be a natural topic of the proposed conferences.

In considering the relation of banking to betterment let us not forget the third term of Sir Horace Plunkett's triad. Better living implies a bettered environment, but it implies more. And so in supplement to societies for the organisation of betterment, there is a growing host of secular societies for the direct uplift of life. The instruments of the former are the sciences; of the latter the arts. Now, the economic value of (say) good mural decoration is obvious enough. Less so that of drama and pageant, song and dance, because the productive returns of these, like those of afforestation, have to be looked for not in annual balance-sheets, but in the improved social values of the coming generation.

It should surely be recognised as a definite part of the policy of such co-operative associations as we have mentioned or their affiliated societies, that they put aside part of the profits for the promotion of this fullness of life among their members. This is to some extent a tradition of the co-operative movement, but it required development and leadership. To provide that leadership was one of the purposes with which Octavia Hill founded the Kyrle Society. Its offspring are seen in many local betterment and embellishment associations. It would be a fitting movement to the memory of Octavia Hill if all these and other cognate societies could be given organised support and recognition as part of a general policy of social uplift designed to provide work at the present time for unemployed painters and musicians, actors and writers who, too proud to ask or even accept charity, would joyfully give of their best creative work for a subsistence wage. All these have to be maintained in some way or another during war

time. It is surely uneconomic to the last degree that these, the natural leaders in any organised effort for the general uplift of life, should be numbered amongst the unemployed. Such wastage could be converted into a great national asset if the organised associations concerned were encouraged to address themselves to the problem. And as a suggestion of financial method we may take the analogy of certain loan funds for starting needy but clever young professional men on their career, by making advances repayable in subsequent prosperity. This is a principle capable of extension not only to individuals but to many kinds of societies organised for betterment or uplift through long-distance returns. Such principles and their practical application are aspects of those problems of social finance which call for investigation by sociologists.

V. V. BRANFORD.

THE CASE FOR SCIENTIFIC MANAGEMENT.

AN interesting and significant feature in the discussion of Scientific Management which has appeared in this Review is the contrast in the conclusions arrived at by the four types of men who have taken part in the discussion. From Mr. Hobson, a sociologist and economist of well-deserved reputation, we have a fair and impartial view of Scientific Management as it appears to him from the writings of Mr. Taylor and Professor Münsterberg. While acknowledging its obvious social advantages, his habit of thought leads him to forecast its probable or possible future developments as they affect society, with reference to which he raises two important questions: First, is the social benefit sufficient to outweigh the possible disadvantages of increased specialization? Second, are the methods of Scientific Management compatible with collective bargaining, and therefore with trade unionism?

Mr. Cadbury, a practical and highly successful manufacturer, with a humanistic point of view, is bound to admit the industrial advantages of Scientific Management, but tends to the belief that the system at work in his own plant, developed by him through years of experiment, has all the advantages and none of what seem to him to be the disadvantages of the Taylor system. The disquieting bearing of his troubles with piece rates on this conclusion does not seem to have struck him. Then we have the expression of the trade unionist, Mr. Cole, the source of whose knowledge of Scientific Management is difficult to determine, but whose opposition to it on the score of its "premium bonus rates" is clear enough. And finally we have the cautious but definite endorsement of the Taylor system by Mr. Renold and Mr. Jackson, who speak from an intimate knowledge of its working in their own plant.

The writer of this article may be pardoned for pointing out that he occupies a position which synthesizes to some extent the varying points of view illustrated above. By training an economist and sociologist, by profession a practitioner of the Taylor system (to whatever slight degree of accomplishment in each), he is perhaps able to see and to sympathize with varying points of view more fully than others whose experience, though longer and fuller, is perhaps not so extensive. While recognizing fully the validity of economic

and sociological thought on the subject, he proposes to check its conclusions from practical experience.

The criticisms urged against Scientific Management in the discussion thus far may be grouped under the following heads :—

- I. That it is a system of driving.
- II. That its increased specialization enhances the monotony of the individual workman.
- III. That it tends to destroy the initiative, skill and judgment of the individual workman.
- IV. That it does not solve the problem of the inequitable distribution of wealth.
- V. That its existence is incompatible with that of organized labour.

I. The criticism that the Taylor system is a driving system is not supported by any facts given in the discussion, nor by anything within the writer's experience. It is apparently based on a conviction that, in spite of Mr. Taylor's explanations and assertions to the contrary, the productive feats described by him must necessarily involve an excess of effort. It does not look as though a labourer can raise his output of pig-iron handling from 12 to 47 tons a day without great strain, nor that 35 girls can do the work of inspection which formerly required 120 without considerable increase of activity. The answer to the first case is that Schmidt, the pig-iron handler who established the task, did not handle merely 47 tons, but 54 tons, for years without injury, until his increased prosperity got the better of him and he took to drink. In the case of the inspectors, the increased output was the result of the scientific selection of girls best adapted to that type of work, to wit : those with quick reactions. Fast work is easier for such a person than slow work. For the trained pianist with talent, it is easier to play scales at the rate of 800 notes per minute than it is for the tyro without talent at the rate of 150 notes per minute. Scientific Management aims at securing a worker with talent for the job in hand (which is what Mr. Taylor means by the "first-class man"), to make his conditions such that his work is facilitated to the greatest extent possible, and to provide him with all the training and managerial assistance necessary to secure the greatest effectiveness from a normal expenditure of energy. The results in Scientific Management are attained not by doing the same thing faster, but by doing a different and easier thing to achieve the same end. To confuse this method with driving is to mistake strenuousness for efficiency.

II. Monotony is one of those elusive sensations which we all fear greatly but seldom experience. The more active the mind, the less possible it is for it to feel monotony, for the reason that the succession of events which is expected to be monotonous arouses and keeps in play a train of associations and interests which counteracts the anticipated feeling. The inactive type of mind which might suffer from monotony is protected from that result by the very fact of its inactivity. Can one reasonably say that the life of an oyster is monotonous? If the oyster had Mr. Hobson's mind, it would be,—were it not that with such a mind the oyster would become a revolutionist. The writer hastens to add that by this comparison he does not mean to suggest that human beings are like oysters in all respects, any more than Mr. Taylor means that the ox-like man is the typical man or the best type for the well-being of society.

Attentive observation of a day's work on a job of a highly specialized and repetitive type shows that a feeling of monotony appears coincidently with the feeling of fatigue, and it would seem that monotony is but another term for the lack of interest which comes with mental weariness. The obvious remedy for this, then, is so to regulate the hours of work and of rest that mental fatigue cannot supervene. This is not only good humanity, but good business, as every practitioner of elementary time-and-motion study knows. The specialization of the operation has practically nothing to do with it. The most specialized operation you can find turns out on analysis to be a rather complicated matter, involving from 20 or 30 to several hundred elementary units. No practical degree of specialization can go below this minimum, and at such a minimum there is in reality a great deal of variety for the type of mind that wants variety and knows it when it has it. For the other type of mind the question does not exist.

As an illustration of this, take the trade commonly cited as an example of the worst form of monotony,—machine sewing. According to the usual descriptions of it, the girl sits in a hard chair in a cramped position before a little machine whose purring needle in the midst of the insistent din of hundreds of similar machines drags the life out of her all day as she feeds piece after piece of cloth into its insatiable little jaw. To heighten the dramatic effect, it is usually added that the needle is making 2,500 to 4,000 stitches per minute, leaving one to infer that the girl has the added strain of keeping track of the count. What are the real facts for the girl who is adapted to this type of work? As to the din, anyone

who has worked continuously in a factory is perfectly well aware that it soon sinks below the threshold of consciousness and becomes practically non-existent. As to the number of stitches per minute, the girl thinks not of this, but of the rate at which the cloth passes under the needle, which under proper conditions is neither so slow as to be nerve racking nor so fast as to be unsafe. As to the monotony of the work, she has a series of pieces which she must select and fit together, requiring the exercise of judgment, skill, and discrimination of form, color, and texture. She must make the necessary adjustments of the foot, the needle, the thread, the bobbin, and the starting mechanism of the machine; any one of which involves a wide variety of motions and interests. She must keep track of the work she is doing, for pay-roll purposes—which usually means the injection of a small amount of clerical activity. She is always getting rid of old jobs and getting new ones. She is talking with forewomen and inspectors and repair men about the numerous contingencies that arise in the day's work. When everything is going smoothly, the action of her hands and arms is practically automatic, and her mind may be wherever its natural inclinations take it. In the absence of long hours, dingy and insanitary conditions, and a nagging management, girls and women doing this sort of work are in the main as happy and contented in it as they would be at anything else. Experience has shown that if they are capable of conspicuous achievement due to superior aptitude or training, their satisfaction is far greater than it would be at anything else. The maid-of-all-work who starts the fires, gets the breakfast, does the washing, mends the clothes, tends the baby, gets the dinner, does the ironing, sweeps the house, polishes the furniture, gets the supper, makes the beds, and tidies up generally, cannot complain of monotony; but if there is any rush from the factories to the maid-of-all-work jobs it has escaped the notice of most observers.

Finally, with reference to monotony, it must be admitted that such as there is was not introduced by Scientific Management, but has been with us for some time. On the other hand, it must be admitted that if Scientific Management continues to accomplish what experience has shown it to be capable of, *i.e.*, higher wages and shorter hours for the workers, it provides the opportunity for the best possible antidote to monotony; namely, more leisure and opportunity for the cultivation of other interests.

III. Scientific Management lays the greatest emphasis upon the

ascertainment of the one best way for the performance of each operation, the reduction of the method thus ascertained to writing, the instruction of the workmen in this method, and the provision of all the necessary managerial assistance and an incentive in the form of a bonus for the workman's adherence to the method until a better is found. This is standardization of work as that term is used in the Taylor system. It is quite natural that one acquainted only with the published descriptions of the process of standardization should infer that it leaves no place whatever for the initiative, the skill, and the judgment of the operator; and there is unquestionable ground for this conclusion in the statements in Mr. Taylor's books. It must be said, however, that the practice as outlined by Mr. Taylor eleven years ago and developed by him during the preceding 20 years, has undergone considerable change since, and that the present attitude and practice of the Scientific Management group with reference to the training of workmen is much more accurately represented in Mr. H. L. Gantt's *Work, Wages, and Profits*, particularly in the second edition, published in 1913. A careful perusal of this book is earnestly recommended to those who are deriving their knowledge of Scientific Management mainly from its literature.

In practice the facts are these: In the first place, the "science" of the industry is worked out not by the Scientific Management expert, but by those of the workmen in the plant under reorganization who by reason of their knowledge of their own industry and their susceptibility to training in methods of scientific time and method study are selected for that job. In the plants now under Scientific Management in the United States there are hundreds of exceptionally capable workmen occupying responsible positions as supervisors of methods, time-study men, instruction-card clerks, etc., exercising their initiative, skill, and judgment every day, who never before had the opportunity to display these qualities, notwithstanding they have had them from the beginning.

If by initiative is meant the power to extend the limits of knowledge and to combine known facts in new and productive ways, involving the exercise of imagination, ingenuity, foresight, and courage, all but the most hopeless sentimentalists must admit that it is a rare quality. Its possession in any marked degree makes the Edisons, the Bells, the Diesels, the Marconis. Its possession in even a minor degree makes the progressive executives, whose discovery and development is the hardest problem the manager usually has to face. The truth is that what people usually mean

by initiative is the inability or the unwillingness to accept advice and instruction; and there is no question that Scientific Management does not encourage this type of initiative. If Scientific Management is wrong, then we should close our schools and colleges and our churches, and abolish parental and governmental authority; for we are all in common proceeding on the assumption that liberty is best conserved under law, and that that personality reaches the highest development which is most fully acquainted with the restrictions of the conditions under which it works. Scientific Management, therefore, teaches the workman the laws it is ascertaining in regard to his work, and trains him in the best method of accomplishment within those laws. So far from making him less a man by the process, it endows him quickly with all that anybody knows about his work, and enables him to start from this vantage ground toward the discovery of better methods and processes. If originality consists in the discovery of something new rather than the laborious rediscovery of something old, Scientific Management gives the workman scope for originality as never before.

The criticism that the skill of the workman is supplanted by the skill of the Planning Department, as represented in instruction cards, scarcely calls for refutation. Any plant where Scientific Management is practised is conspicuous by the skill of its operators. The whole object of the Taylor system is to make the unskilled skilled, and the most skilled the teachers of all. The methods evolved by scientific study can be practised only by the exercise of skill. The results attained in scientifically managed plants are the evidence of a higher degree of skill in planning and execution than can be found in plants managed in the ordinary way.

It is said, however, that the exceptional skill developed by the Taylor system is too highly specialized and onesided. The criticism might be justified in fact if it were the practice of Scientific Management to train an operator in one operation and keep him at that for ever. This, however, is not the case. On the contrary, it is only in scientifically managed plants, so far as the writer has been able to discover, that systematic effort is made to train operators in a variety of operations; not primarily, to be sure, in the interest of the operator's breadth, but in the interest of more efficient administration of the plant. In every industrial concern of any size there are wide fluctuations of relative demand between departments due to conditions in the trade. By the ordinary methods the department in which the demand is declining lays off

some of its operators and the department which is short-handed hires new ones. The economic and social disadvantages of this must be apparent. Under Scientific Management operators are trained in advance to meet just such fluctuations, so that they may be transferred from department to department as their relative requirements vary. This is the actual practice of every concern in which the Taylor system has taken root. The result is that the workmen are not only exceptionally skilled in each operation with which they are familiar, but in addition they are trained to a wider variety of operations than is usually the case in ordinary plants.

The Taylor system is said to eliminate the judgment of the operator. If by judgment is meant the combination of memory, association, and guess which is so frequently substituted for knowledge of facts, the soft impeachment must be admitted. Piece rates are usually set by the rate setter's "judgment," and so in the most advanced plants there are committees sitting all the time revising these rates. There was a time when sword-makers used their judgment about the constituents of the steel from which their blades were forged. To-day, however, railroad managers who consider the safety of their passengers and the life of their equipment, and governments interested in defence against invasion, no longer leave the constitution of the steel they use to the judgment of even the most skilled operator. Something is known to-day about the special requirements of steel for special purposes, and progress consists in the substitution of knowledge for judgment.

If by judgment, however, is meant the rare faculty of choosing accurately and quickly between possible alternatives without the necessity of going through the laborious process of reasoning or the accumulation of knowledge which will give a sure answer, then Scientific Management has place for at least as much judgment as has any other type of organization. The unfortunate truth is that it cannot find enough of it, even in the ranks of its own practitioners and of the managers and executives with whom and through whom it has to operate. When it finds a man with really good judgment, it holds to him as a brother; and from him that hath it not it takes away the temptation to use the little that he hath, and attempts to provide him with that which is safer for most mortals—knowledge.

From the foregoing it will be seen that the customary charges of driving, monotony, and destruction of initiative, skill and judgment brought against Scientific Management are due partly to misunderstanding of what has been written on the subject, partly to

failure to define and discriminate clearly in the meaning of the terms, and partly to lack of acquaintance with the facts as developed in actual practice. To all these charges, the answer of experience as well as of careful thought and reason is a verdict of Not Guilty.

IV. Two other points thus far raised in the discussion remain to be considered. It has been pointed out by Mr. Hobson and many others that even if Scientific Management is a new, potent, and socially unimpeachable factor in production, it does not solve the problem of the equitable distribution of the product. The fact that this is still a problem raises a suspicion that Scientific Management is not the only form of industrial organization that has failed to solve it. The criticism is really a compliment, in that it shows the high hopes of the critics.

It must be admitted that Scientific Management does not give a complete solution of this problem. It helps towards a partial solution, however, through two things. In the first place, it increases the sum-total of the wealth to be distributed, and to that extent makes easier a fair distribution. If you and your fellow are hungry and have but one apple to divide between you, it requires all the force, physical, moral and spiritual, that you can both bring to bear to assure an equitable division; but if you have a barrel of apples between you, you can both have enough and there is no occasion to quarrel. The other contribution that Scientific Management makes to the solution of this problem lies in its accurate determination of what should constitute a fair day's work, *i.e.* a degree of accomplishment which may reasonably be expected of the workman adapted to his job and which he can keep up without injury to himself year in and year out. The labour problem to-day arises from the fact that neither term of the equation—"a fair day's pay for a fair day's work," which is rolled off so glibly as the ideal to be sought—is a known quantity. Space forbids a discussion of the meaning of a fair day's pay, which could only end in the negative conclusion that no one knows or, in our present state of knowledge, has any means of determining. All students of the Taylor system, however, know that the other factor, a fair day's work, is subject to accurate determination. The realm of the known is thereby extended at least to that extent, leaving the way clear for concentration upon other factors thus far unknown.

It is to be noted further that, accepting the basic wage rate as a given factor beyond its control, Scientific Management insists that the worker shall be paid a substantial increase over the rate for his acceptance of the improved conditions and training offered him.

This is not merely from a sense of expediency, though experience has shown that the workman will not accept these conditions and training in the absence of such increased remuneration; it is due also to a conviction that justice requires that the workman should share in the increased product to which he has made at least a partial contribution (of willingness and ability); the other contribution having been made by what is collectively known as the management. This conviction may of course be wrong. There may be some other principle of distributive justice which is ethically, socially, and economically better. If there is, there is no apparent agreement on the formulation of the principle, and Scientific Management cannot be blamed for doing the best it can according to its lights.

It may be urged that any conscious social development should be judged with reference to the end at which it aims. Scientific Management was developed by Mr. Taylor primarily as a solution of the problem of factory organization and management, and that it has succeeded in this no one familiar with the facts can deny. That it has not succeeded in solving the most difficult social problem confronting modern life is not to its discredit, while the fact that it contributes towards the solution of that problem incidentally and as a by-product is something vastly in its favour.

V. It is one of the most curious ironies of history that the real points of contact between Scientific Management and the labour problem at which Scientific Management is really doing the most for society are precisely those which the labour unions, presumably the incarnated interest of working-men in the solution of the labour problem, have chosen to attack. Scientific Management says: Let us by all legitimate means increase the sum total of consumable wealth. The labour unions say, either officially or tacitly in practice: Let us not as individuals produce too much, lest society be satisfied too soon and some of us be left out of work. Scientific Management says: We believe in a fair day's pay for a fair day's work, and we will at least try to find out what a fair day's work is and we will encourage any effort to ascertain what is a fair day's pay. The labour unions say: A fair day's pay is what we can get, and nobody knows what is a fair day's work, and we will, if possible, prevent anyone from finding out. (This at least is the writer's interpretation of the opposition of certain American labour unions to what they have christened "Stop Watch Premium.") Scientific Management says: We will accept the basic wage rate current in the community as the customary compensation for an

ordinary day's accomplishment; and for the achievement of what we have determined to be the possible extraordinary day's accomplishment we will pay a bonus or premium. The labour unions as represented by Mr. Cole say: "It will be very difficult for the unions to resist the new processes; the bonus systems they can resist. If they are driven to accept increased mechanization of their daily work, they must secure at least that their wages are raised directly, and not on any bonus system. All such systems have been clearly shown to be fatal to effective trade unionism."

For readers of this Review it is not necessary to point out the fallacy of restriction of output and of opposition to the accurate determination of a reasonable day's work. Both of them are sincerely believed in by many working men, and this belief is the outcome of limited but in many cases discouraging experience. Sudden changes in methods have in fact resulted in throwing men out of work until the necessary economic adjustments have been made, and the period of maladjustment looms larger in the experience of the individual who suffers by it than the succeeding period of greater social benefit. The remedies for this are caution in the application of new methods, and conscious direction and shortening of the period of readjustment.

The objection to the accurate determination of a reasonable day's work is based not really upon the method by which the determination is made, but rather upon the fear of abuse of the knowledge thus secured. In the past and unfortunately in most cases in the present, the workman's chief protection against the avarice and unscrupulousness of his employer is the employer's ignorance of what a day's work really is. Knowledge here is power, and it may be power to cut rates and to drive. The only answer is a change in the mental and moral attitude of employers; or where this is not possible or reasonably to be expected, organization on the part of the employees.

The objection of trade unionists to premium and bonus systems is largely in their fear of the effect of such systems, dealing as they do with the individual capacity of each workman, upon the solidarity of the union. Common Rules seem to most unionists to be necessary to the existence of their organization. The difficulty comes with the interpretation of the Common Rules. Are they standard minimum conditions of hours, wages, sanitation, safety, and number of apprentices, leaving free scope for such improvement over these conditions as individual cases may warrant? Or do they mean standard conditions from which no departure may be per-

mitted either way, thus obviating the possibility of adjustment to individual requirements? If the former, there is no possible conflict between them and Scientific Management. Scientific Management aims at the same things in the main as trade unionism, namely: better working conditions, shorter hours and higher wages, and in practice it has succeeded in attaining these far more easily and more effectively than has been possible for unionism. If, however, the latter is meant, standardized and crystallized conditions from which no departure may be permitted, there can be no agreement between labour unionism and Scientific Management, or for that matter between labour unionism and the current conditions of industry under any system whatever, or in fact between labour unionism and the social welfare. The history and present status of unionism in England and America is ample demonstration of the truth of this.

Assuming, however, that labour is organized in trade unions for the purpose of securing by its combined strength minimum conditions in regard to hours, wages, environment, etc., for the workers, there is no reason why the improvements upon these conditions brought about by Scientific Management cannot be made the basis of collective bargaining and worked out by mutual agreement. No unionist save one who makes his living out of strife can object to further co-operative progress along the lines for which trade unions presumably are working. On the other hand, no employer save one who assumes some divinely appointed exclusive right to determine the conditions of life for his work-people can object to consulting those people about improvements in their conditions.

It is unfortunately true that the chief exponent of Scientific Management, Mr. Frederick W. Taylor, does not see this. An autocrat by birth, training, and experience, who has had to fight the most bitter, unscrupulous, and ignorant representatives of American trade unionism, it is not to be wondered at that he cannot accept collective bargaining practically, no matter what his feelings may be in regard to its historic usefulness. To some extent, but without equal reason, this feeling is shared by some of his disciples; but not all of them. It is within the writer's knowledge that the very point upon which Mr. Taylor has insisted there is no possibility of collective agreement, *i.e.*, the establishment of a task, collective agreement has been invoked successfully. In the highly unionized screw-machine department of a large plant in which Scientific Management is now highly developed, the task deter-

mined by time study required the operator to attend one more automatic machine than had previously been assigned him. When the representative of the union objected to this task, the management opened the records of time study to him, went over the entire matter in detail, discussed the amount of the bonus, which was satisfactory, and finally agreed to try out the new arrangement. After trial, the union representative, convinced that the new task involved no undue strain whatever, and that the increased compensation was all that was warranted, secured the official sanction of his union for it. This was nothing but the triumph of common sense, accurate knowledge, fairness, and mutual regard over a little difficulty such as has arisen daily for the last hundred years and has been met daily in the same way. It is safe to say that under Scientific Management there is at least no smaller place for these qualities than there has been before.

If the effect of Scientific Management were to destroy the organization through which the workman secures the strength of combination, it would be a reasonable question whether in the long run society would not lose more than it benefits by its introduction. Fortunately, however, this is not the necessary result of Scientific Management. It rests with the working men and particularly with their leaders to say whether there shall be war to the knife between labour organization and this new type of industrial organization, or whether they shall recognize their community of aim and by mutual respect, co-operation and knowledge, work together for the benefit of society as a whole.

Finally, a plea for fairness in regard to the possible abuse of Scientific Management. That it can be abused no one knows better than those who have had personal experience with its introduction and development. Mr. Taylor has pointed out this fact and has given illustrations of how it can be done, and even those who do not care for his teachings will admit that he has given these illustrations as warnings and not as examples. Scientific Management becomes actualized and realized through human beings, and its practice is therefore subject to all the infirmities to which humanity is heir. Religion has been abused, liberty has been abused, democracy has been abused, and even trade unionism has not had an absolutely unimpeachable career. Do we on this account solemnly meet and consider whether religion, liberty, democracy and trade unionism shall have our approval? No. Society has put its seal upon them, in the main and with reference to the ultimate gain derived through them. It has done the same with machinery;

it is doing the same with Scientific Management. Our business is not to condemn, but to learn; not to stand aside and criticise imaginary evils, but to get inside and help extend the demonstrated good.

C. BERTRAND THOMPSON.

MR. CADBURY'S REPLY.

I have to thank the Editor of the *Sociological Review* for offering me space in which to reply to the points raised in the discussion of my paper on Scientific Management. There is no necessity for my reply to be a long one. I do not desire to take up any dogmatic attitude, and my purpose is achieved in eliciting the interesting and instructive discussion on the points raised.

Mr. C. G. Renold and Mr. W. H. Jackson agree with me that Scientific Management is bound to become general in time, and that it is our business "to study how to turn it to the best use of the community." They also agree that specialization will be carried much further than it has been in the past, and one result will be that the work that skilled men used to do will be given over to semi-skilled or unskilled men. On the other hand, the skilled men, so displaced, tend to be absorbed in the ranks of inspectors, machine-setters, time-study men, etc. But Mr. C. G. Renold himself says—and I agree with him: "Whether this relative redistribution of men and work will in the long run meet the objection (of increasing monotony and lessening skill and initiative) it is yet too early to say." It seems, however, that on the whole, the tendency is to develop semi-skilled men who will occupy a better position than that now occupied by the unskilled labourer, but which will be much inferior to that of the skilled artisan of the present day; and while it will always be possible for an unskilled labourer to rise even to the ranks of the inspector, etc., yet the general result will be a class of semi-skilled workers, whose work will be highly specialized and monotonous, and which demands little or no initiative, since thinking and initiative are the function of the management. We must remember that the trained skill and initiative which distinguishes an artisan from an unskilled labourer has a money value, and under Scientific Management this capital passes away from the workman to the management.

Further, as Mr. Hazell points out, there are large fields of employment which "are so monotonous that there is not sufficient scope for individual brain power in them."

Mr. Hobson and Mr. Cole also emphasize another important point that must be kept in mind. Excessive labour and other damages to workers may in some cases be profitable to employers. "Under Scientific Management there is no guarantee that only those economies which involve no increase in human costs will be adopted." It must be admitted that in any wages system there can never be complete identity of interest, between employer and employed.

In dealing with the question of wages, Mr. Jackson and Mr. Renold emphasize an important point, when they show that the standardization of processes, operations and detailed cost systems will make the free and open discussion of wages easier. The question is, however, whether employers generally will recognize the expediency of making use of this fact by dealing with the workers collectively in the settlement of wages rates. If the employers do adopt this attitude, I agree that probably there will be a general and permanent increase of wages among the lower paid, since the workers would not be satisfied otherwise. But this involves a great change in the opinion and methods of employers. Mr. G. D. H. Cole, for example, doubts if under the present competitive system, such a policy is possible for more than a minority of employers, and this, I think, is probably the case.

Mr. F. W. Taylor makes an interesting contribution to the discussion. He states that, as a matter of fact, fears are quite groundless "that the assignment of daily tasks to workmen may lead to great nervous strain," or that the system "reduced the workman to a living tool, and may lead him to expend his last ounce of energy while initiative and judgment are eliminated." In practice, says Mr. Taylor, in the shops where the full system of Scientific Management is in vogue, the very opposite is the reality. To this I merely wish to reply that as yet, according to Mr. Taylor himself,¹ there are only some 200,000 people working under this system in the United States—a very insignificant number when compared with the total workmen of the country. Further, under any system giving a premium on output, the average workers, especially in the case of women, tend to overdrive themselves. I stated in my paper that both Mr. Taylor and Mr. Gantt point out

1. *Journal of the Efficiency Society*, New York, September 19, 1914, p. 22.

that it is essential that over-work of the employee must be avoided, and that the system must aim at the best interests of the employee as well as that of the employer. But Mr. Taylor himself emphasizes¹ the difficulty, if not impossibility, of persuading the average board of directors to appreciate the point of view on these matters adopted by himself. Again, I was quoting Mr. Taylor himself when I said that "the most prominent single element in modern scientific management is the task idea."² The task of every workman is fully planned out, and each man usually receives written instructions describing in the minutest detail the work which he is to accomplish, as well as the means to be used in doing it. It is stated that, even in crude and elementary unskilled work, the science and method are quite beyond the man who is doing it. And this is equally true of the skilled mechanic. Taking the handling of pig-iron as an example of unskilled work, we are told that one of the first requirements of a man for this work is that "he shall be so stupid and so phlegmatic that he more nearly resembles in his mental make-up the ox than any other type."³ Again, it is stated that "It is only through *enforced* standardization of methods, *enforced* adoption of the best implements and working conditions, and *enforced* co-operation that this faster work can be assured."⁴

I would also like to point out that Mr. Taylor did not discuss the relation of his system to trade-unionism. There is a difference between English conditions and those of the United States. The policy pursued by Mr. Gantt and Mr. Taylor, of dealing with the workmen one by one, would be foredoomed to failure. Already the unions are beginning to discuss the problems raised by various aspects of Scientific Management. It is not merely the question of wages that interests them, but the status of the worker and the trade-union under the system, and such questions as the control of the workshop. In the *Workers' Union Journal* (Midland Edition), for example, there has been running in recent issues a series of articles on Scientific Management and the workers' attitude towards it; and as I stated previously, the Amalgamated Society of Engineers voted against the premium-bonus system, by a majority of six to one, and a committee of the Trade Union Congress has also condemned the system without qualification. I mention these facts to show that we cannot argue

1. *Journal of the Efficiency Society*, New York, September 19, 1914, p. 22.

2. *Principles of Scientific Management*, p. 39.

3. *Principles of Scientific Management*, p. 59.

4. *Ibid*, p. 83.

that what obtains in the United States could necessarily be done here.

I have read with interest the article by Mr. Bertrand Thompson, the proof of which arrived immediately after I had written the above reply. He has stated the case for Scientific Management most ably, but after careful reading I do not see that he has raised new fundamental points; I had already seen the 1913 edition of Gantt's *Work, Wages and Profits*.

I quite appreciate the difference between "strenuosity and efficiency" which is Mr. Thompson's first point. But as above stated, it is impossible to prevent workpeople, especially girls, at times over-driving themselves. And the problem in front of us is not merely the system of Scientific Management applied under more or less enlightened control, and dealing with a very insignificant amount of the total output of the country, where its limited application gives a kind of monopoly profit, but the system extended into all works, with competition pressing keenly upon all those engaged in it.

Men and women cannot be divided into the clean-cut divisions that Mr. Thompson suggests when discussing monotony. There are extreme cases where a person is so mentally sluggish that he would not feel the monotony of the most specialized and automatic task. But my experience with the average unskilled labourer, both boys and girls, is that they show a decided power of mental development when their education proceeds on good lines. It is just because I refuse to accept the division of the workpeople into types of mentally alert and mentally inactive, that I do not agree with any argument based upon such a supposed division. And any system that tends to make such types is anti-social. The instance quoted by Mr. Thompson, *i.e.*, of machine sewing, does not strike me as the most extreme example of monotony. There are many jobs even more automatic, *e.g.*, the picking out of the spoilt balls by the girl inspectors,¹ and many operations with light presses in metal work. We must not so readily discount the nervous effect of such things as extreme noise. It is true that the din sinks below the threshold of consciousness at the time, but one has hardly the right to make the assumption that the nervous organism is so adaptable that there is no strain and no deteriorating effect upon the nervous system. I agree that it is a remedy to regulate the hours of work so that mental fatigue cannot supervene, but the fact that there is

1. Taylor's *Scientific Management*, p. 86.

a remedy does not disprove the existence of the evil, but rather the opposite.

In respect of Mr. Thompson's third point, I have already given the reasons why I think that the system, unless carefully watched, will tend to destroy the skill, initiative, and judgment of the individual workman. The ground need not be covered again. That it is possible to introduce methods which will tend to alleviate this evil is obvious, as we have proved to some extent in our own factory. And the instances given by Mr. Thompson of training men to do different specialized jobs, in turn, deserve most careful consideration.

I agree with his fourth point, that it is no criticism of the system to assert that it does not of itself solve the question of the distribution of wealth, and that on the other hand, there is this to be said, that the system is an advance in efficiency and therefore means larger output and increased national dividend. If I may say so, that was not the line of my criticism. It cannot be expected that industrial engineers developing the principles and methods of industrial organization and output can keep in view all the aspects of the larger and more complex problem of social and political organization. But at the same time, any system of industrial organization must be questioned how far it coincides with, or runs counter to, definite social and political tendencies that are developing. I have pointed out above (and in this I am dealing with Mr. Thompson's last point) that Mr. Taylor and Mr. Gantt have been definitely hostile to trade-unionism and collective bargaining, and that they seemed to imagine that their system would result in the elimination of trade-unionism, for the simple reason that they provided a stronger motive of self-interest for the workman. That this is a correct description of their attitude Mr. Thompson admits, and when he points out that in some instances the policy and ideas of Mr. Taylor on this point are not followed, and that the system is not necessarily antagonistic to collective bargaining, he does not answer my criticisms of Mr. Taylor, but justifies them. I see no reason why the system, possibly modified on certain lines, should not be developed with and through the assistance of the trade-unions. My opinion is, that any other policy pursued in this country would be foredoomed to failure.

EDWARD CADBURY.

THE MATERIAL CULTURE AND SOCIAL INSTITUTIONS OF THE SIMPLER PEOPLES: AN ESSAY IN CORRELATION.

CHAPTER II. GOVERNMENT AND JUSTICE.

I. GOVERNMENT.

The first question that we ask is : how people are governed at the various levels of economic culture which we distinguish, how is order maintained, and justice administered? We distinguish first between the question of the form of government and the administration of justice.

(1) *The Form of Government.*

The simpler societies, particularly those of hunters and gatherers and the lower agriculturists and pastoralists, for the most part live in small communities, varying in number of inhabitants from perhaps a score to two or three hundred. Information on the question of numbers is unfortunately too often vague and uncertain to admit of the construction of any table on this point. But among the lower gatherers we generally hear of quite small groups, 2 or 3 to 5 or 6 families in the usual sense of that term, making 1 or perhaps 2 "enlarged families" of brothers or possibly cousins with their wives, children and grandchildren. It may be remarked that if we suppose an old man and his wife, two sons and their wives with 3 or 4 growing children apiece to be living together, we get a group of 13 people. Two such households would form a group of 26, which is as large as many of the groups of jungle tribes seem to be. Two pairs of such groups would be 52, which seems to be about the average of an Australian local group, and in many cases, though we are not unfortunately able to say in how many, the little society appears in fact to be constituted by people thus nearly related, the elder males being brothers or cousins.¹ But

1. The "wild" Semang live in groups of this kind. It is not clear that they are always composed of one "enlarged family" alone, but at any rate the settlement seldom exceeds 2 or 3 huts (Martin, pp. 859-60). The largest group known to him contained 27 persons. Among the Kubus we hear of 3-5 and also 10-12 huts (Hagen, 93-95). It would seem possible that an alliance of 2 distinct kindreds might be temporary but under the conditions if it became permanent it would involve fusion by inter-marriage.

often, especially as we go a little further up the scale, we hear of small villages or bands, and sometimes of numbers such as two hundred or more, and often we learn nothing definite about the relationships or affinities connecting their members. But there are two possibilities which affect the question. The group may be exogamous. If so, it is because there is a real or supposed relationship between its members. Or there may be no bar to marriage within its limits, and in that case the small number of the families will secure that all are connected over and over again by ramifying intermarriages. In fact the actual relationships will be closer and more numerous than in the former case, though even here it may be pointed out that the total population of the contiguous groups within which marriage is practicable probably does not exceed that of a very small town, so that the fictive relationship of gens or totem is backed by a very real amount of actual consanguinity. Though these little societies often cannot be identified each as a definite kindred, they in fact have ties of kinship and affinity at their back and are fortified by magico-religious ideas of the totem, the clan, or the matrimonial class, in which a sense of kinship is expressed.

Little communities of this kind form the effective social unit in the lowest economic stages. They are in a measure self-dependent. They own a definite area of land. They join, more or less effectively as the case may be, in repulsing the assaults of any other group; and again, in varying degrees of energy and community of feeling, they will protect their members against others. They may have a chief or a council, formal or informal, of the older men. They may have little or no formal government.¹ But in the main they are self-dependent, owing no allegiance to anyone beyond their limits. Yet they do stand in social relations to neighbouring groups. A number of such groups probably speak the same dialect, and call one another by the same name, intermarry freely, perhaps meet at certain times for religious or ceremonial purposes, are generally on friendly terms, and perhaps are ready to co-operate for mutual defence. Such an aggregate of groups is generally known as a tribe, even if it possesses no common government or corporate individuality.

1. The Roucoyennes supply a good illustration of the informal, almost casual, manner in which a chieftainship may arise. A man who makes a clearing and founds a settlement is a tamouchi. He gives his daughters in marriage to men who become his peitos, who do a certain amount of work for him and are in semi-dependence but might leave him and found a new settlement, while he himself becomes a peito if he lives with his father-in-law. The tamouchi, having however established himself, may nominate his successor, or be succeeded by his son, so that the institution becomes permanent. (Coudreau, *Chez nos Indiens*, 258-9)

Our tables will show that as we ascend the economic scale, tribal unity becomes more clearly defined. We more and more often find a definite tribal chief or council to which all the constituent groups own a measure of allegiance. Where there is no such common government it becomes a question—and one which for certain purposes of classification is of no small importance—whether we should regard the tribe or the local group as the true social unit. The group is the more valid and effective unit, but the ties that relate it to other groups cannot be ignored. If local exogamy is the rule, the group is never a self-sufficient community. If without being the rule it is a very frequent practice, the same verdict must be passed, though in a weaker form. The only safe course for us is to pay regard to both points of view. When the various groups that compose a tribe live in habitual intercourse with one another, practising intermarriage, owning a common cult, and accepting a common name, we must speak of them as forming, under certain aspects, one society, though they have no common government. We must also bear in mind that under another aspect they form several societies, and in considering our results we must allow both aspects to pass under review.

As far as concerns government, the main result of these considerations is that we must distinguish between smaller and larger groups. If we speak of a chief or a council, we must know whether it is the chief or council of a local group or of a tribe. But we must remark further that a tribe may be divided, not so much into locally distinct groups as into totems or clans, that pervade its whole area but yet have a semi-independent organisation of their own. To use the most general expression possible, therefore, we have distinguished primary and secondary social groups. The primary group is the smallest organisation above the simple family which has a recognised unity and a measure of self-government. The secondary group is an aggregate of primaries. The primary group may be an enlarged family; it may be a clan recognising common descent or a totemic band; or it may be a local band. Moreover, these divisions of a tribe may coexist, and there may be more than one group which might deserve the name of primary. In such cases we give the primary to the group which exercises most of the functions of government. Often we shall, in fact, find that there is something analogous to government fairly well developed in the primary group, while there is little or nothing of the sort beyond it.¹

1. Sometimes the chief of the primary group is an important person while the chief of the tribe is a shadowy figure. Thus, among the Nootka, the chief of the sept is alone allowed to hunt whales, to give potlatches, and offer prayers. But there is no true tribal chief, though the chief of the highest sept has a limited authority over the tribe and the chiefs col-

As we ascend still higher in the scale there arise societies which we should no longer call tribal. The limits of the conception of a tribe have never been clearly laid down. We take it that when government becomes so far centralised that local divisions have lost their independence and local chiefs have become or are replaced by heads of districts appointed by a ruling individual or council, a more regular form of government has arisen. We have called such governments national and have not sought to correlate them further in detail with the simpler kinds, as a new nomenclature would be necessary which would not run on all fours with the old.

We have then inquired (1) whether government is confined to the primary or extended to a secondary group, or is of the national kind. (2) Within each group whether it is based on the power of a chief or council, and whether it is so vague and circumscribed that it may be regarded as "slight or nil."¹ If there is a chief, is he hereditary, or does he owe his position to election, or to prowess in war or the hunt, or to wealth?² Such methods of obtaining his position would be grouped in antithesis to the hereditary as "personal." We should have liked to discover how often he is identical with or distinct from the shaman or medicine man, but our results have not been sufficiently numerous or clear to tabulate. We note, however, whether the power is inherent in the office or depends on personal ascendancy and the influence which he can in fact bring to bear. We note also whether his power is mainly in war, whether it is confined to judicial matters, and whether the war and peace chief are distinct. The same questions repeat themselves for the secondary group.

The following table summarises our results for the primary group:—

lectively form a council. (Boas, B.A., 1890, p. 585.) Sometimes, as might be expected, the chief of a small community extends his influence over others, thus, among the Miris of the hills each community has an hereditary chief, who, in some cases, has obtained acknowledgment from a cluster of communities.

1. A typical instance would be that of the Central Eskimo, where, according to Boas (B.A. 1884-5) there is a kind of chief in each settlement who decides *e.g.* when it is time to shift the huts. But the families are not bound to follow him. Among the Western Eskimos there is sometimes, according to Bancroft, a hereditary chief, but his authority is nominal (p. 65).

2. Or to wealth combined with liberality? *e.g.*, among the Kenai, the chieftainship is acquired by giving feasts. (Bancroft, p. 134.)

	Total	Hereditary	Personal	Power	Influence	Power in War	War and Peace distinct	Council powerful	Government slight or nil
L.H.	36	8	6	3	10	0	0	5½	17
H.H.	75	20½	17	13½	32½	1	2	9	19
D.H.	8	1	1	4½	0	0	0	3	1
A ¹	37	7	10	7	13½	4	5	8	10
P ¹	16	1	4	2	8	0	1	4	2
A ²	119	34	22	20	34½	9	4	24	12
P ²	16	2	5	1	6	0	1	3½	0
A ³	96	16½	14½	7	23	2	0	19	0
TOTAL	- 403	90	79½	58	127½	16	13	76	61

They show (1) that upon the whole hereditary and personal qualifications count equally in determining chieftainship. We have 90 cases classed as "hereditary" and 79½ as "personal." On this point the stage of industrial culture seems to have no influence.

(2) In 58 cases the chief has "power," while in 127½ he has influence merely. Roughly it is only in one case out of three in early society that the chief's power is of a formal and decisive character. Here again there is on the face of the figures no clear correlation with economic status. But on this point it must be borne in mind that in the higher economic grades, as will presently be shown, the tribal government becomes more and more often effective, with the result that in the primary group the powers of the chief become subordinate. There are thus two opposite factors at work in the different grades. In the lower it is the frequent absence of all effective government, in the higher it is the presence of a superior government which reduces the powers of the 'primary' chief. Taken by themselves therefore these figures are not significant.

(3) The cases in which the chief has marked power as a war-leader without having general power are few—only 16 in all. There are nearly as many—13—in which the peace and war chief are distinct.

(4) There are 76 cases in which a council is noted as an important factor, but there is a vagueness in the accounts which we get of councils which reduces the value of this figure. It may, however, be noted that this heading appears in all the grades, and that the total number of instances exceeds that in which the chief has power, indicating that in the simplest societies government by discussion is as familiar as government by the "strong man."

(5) Far the most interesting result under this head concerns the existence of government as such. In 61 cases out of 403 we

have entered "government slight or nil."¹ These are cases in which we find no really coercive authority, whether exercised by a chief or a council. The distribution of these cases is significant. The following list gives the number in each grade, and assigns the fraction which that number constitutes of the total cases recorded at that grade:—

Name.	Cases.	Fraction of total.
L. Hunters	17	47
H. Hunters	19	25
Dep. Hunters	1	125
A ¹	10	27
P ¹	2	125
A ²	12	1
P ²	0	0
A ³	0	0

The dependent hunters here, as in most cases, stand apart from the rest. Omitting them we find an almost uniform fall from the lowest to the highest stages; the only exception being that the proportion in the lowest agricultural stage is rather high. It may be remarked that the proportion among the lower hunters is probably underestimated, as in the case of the Australians we record cases where there is any definite statement about the government of the local group, but many instances have been omitted owing to the indefiniteness of the account. It is probable that in many of these the indefiniteness is due to the absence of any real authority and that the number of instances of "government slight or nil" ought to be increased. We have then clear evidence of an advance in organised government accompanying economic development.

1. The cases are:

Lower Hunters:—Swan River, Powell's Creek, Kabi and Wakka, Herbert River, Lower Californians, Miwok, Shoshones, Kubu, Semang (44), Sakai (44), Negritos of Angat (3), Negritos of Alabat (39), Andamans, Punans, Botocudos, Batua, Bushmen.

Higher Hunters:—Thompson River, Greenland Eskimo, Labrador Eskimo, Western Eskimo, Central Eskimo, Atkha Aleuts (33), Koniaga, Tsekehne (26), E. Nahane (26), Luisenos, ? Carriers (26), ? Chilcotin (26), Nishinan, Ghiliaks, Tuski, Sakai of Kuala Kurnam, Guaycuru, Charrua, Payuga, Tehuelches.

Dependent H.:—Nicobarese.

Agricul. I:—Baining, Yuracares, Roncoyennes, British Guiana, Ité, Mataguayo, Canea and Antioquia, Negritos of Zambales (35), Sakai of Kuala Kurnam (44), Veddahs.

Pastoral I:—Navaho, Toba.

Agricul. II:—Nicobarese, Mocétené, Moxo, Campas, Wanyaturu, Yaunde, Fang, Waga Waga, Gazelle Peninsula, Bogadjim, Mafulu, Savage Islands.

A similar correlation appears when we consider the government of the "secondary" group. In the Appendix we set out all the cases in which we find evidence of some form of government for the "secondary group," including what we here call "national" government. The first group consists of cases in which a superior chief is mentioned, though we do not know how much power he possesses. The second gives additional cases in which he is recorded as possessing some definite power. The third consists of those where we find a chief of unspecified or slight power and a council, and the fourth those of a powerful chief and council. The last group gives the cases in which the council is the predominant factor in our accounts, little or nothing being said of the chief. Added together these constitute the total of the cases in which we find evidence of effective government extending beyond the "primary" group. The results are as follow:—

GOVERNMENT OF TRIBE.

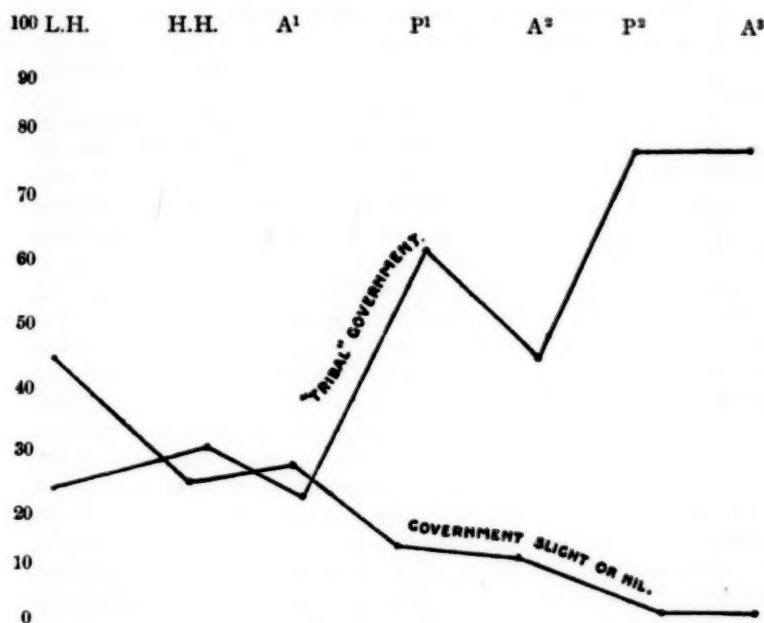
	All cases of government	Tribal chief	Tribal chief with power	Tribal chief with power and council	Tribal chief with power and council	Council Powerful	Totals	
L.H.	36	4	1	1	0	3	9	'25
H.H.	75	14	5	3	0	1	23	'31
*Dep. H....	8	2	0	1	0	2	5	'62
A ¹	37	2	2	3	1	0	8	'22
P ¹	16	4	2	4	0	0	10	'62
A ²	119	15	26	9	1	2½	53½	'45
P ²	16	3	6	1	2½	0	12½	'78
A ³	96	13	37	11	10	3	74	'77

Apart, again, from the dependent hunters, the table shows an almost continuous increase with the advance of economic status. The only serious exception is the low figure for incipient agriculture. It will be seen also that the pastoral stages are relatively more advanced in this respect than the agricultural, P¹ being higher than A², while P² is slightly higher than A³. It may also be mentioned that the figure for the lower hunters probably overstates the case for the same reason as before—through want of definiteness—the instances in which there is no tribal government do not get adequately recorded.

The decline in the proportion of cases of "government slight or nil" and the rise in the proportion of cases where "tribal government" is found as we ascend the economic grades may be shown in the following diagram:—

* If we include the Dependents among the Higher Hunters we get the fraction '34 for the whole.

The penultimate column gives the total of the five preceding columns. The last column reduces this total to a fraction of all cases of government in our record.



We may then conclude that there is a tendency both to the consolidation of government and to the extension of the area of organised society as we advance in the economic scale. In the lowest societies there is in nearly half the cases no organised government at all, and in three out of four cases no government at all beyond the primary group. In the highest pastoral and agricultural societies there is organised government in all cases, and in three cases out of four the organised government includes more than one "primary" group, and extends to a large village, a tribe, or perhaps a "nation."

II. JUSTICE.

All societies recognise certain customary rules as binding their members, and at least within the society custom alone has a sufficient power to secure observance in normal cases. Differences arise in the nature of the rules themselves and in the definite measures taken to secure their observance by punishing a breach. It is the latter point which is considered under the present head. Here three main questions arise:—

1. To what extent or in what cases does society act as a whole or through its heads or through some definite institution to restrain or punish the wrongdoer?

2. What methods of punishment are in use?
3. What procedure is employed?

(1) *Private and Public Justice.*

In the first place there may be no regular action on the part of society as a whole. Murder, theft, abduction, or adultery may be treated as injuries to the individual affected, and they may seek redress either of their own strength or with the aid of their kindred or friends. Justice in such a case is a private matter. Redress may be sought by retaliation in like manner to the wrong done or simply by killing or beating the aggressor. Or it may take the form of a demand for compensation in goods. Or there may be a regular fight under conditions prescribed by custom;¹ or, lastly, without fighting, the aggressor may be required to stand a cut or thrust. Custom and sentiment may support the injured party, but unless the neutral public would actually come to his help at need we should regard this as a case of private redress. Similarly, in the Regulated Fight, custom certainly imposes limits as to methods of redress, but redress itself is left to the strength and skill of the parties. These cases are placed in our tables under the heads of (1) Retaliation and Self-help, (2) Compensation, and (3) Regulated Fight. The case of a ceremonial cut or thrust, which is peculiarly frequent in Australia, is classed as an "Expiatory Fight." Very often no bloodshed occurs, and it is then more like a composition in that it is a form of satisfaction given by the wrongdoer to the injured party. It is certainly held to wipe out the murder and end the feud. Either retaliation or composition may be collective or vicarious, *i.e.*, may attach to the whole family of the aggressor or to any one of its members. We take these cases together under our third head. But this is not universal. It is just as likely that redress is sought at the expense of the wrongdoer alone.

At the other extreme justice may be a public function, regularly exercised by a chief, a council, or a special court for the punishment of all serious offences. This we call Regular public justice. But between the two extremes are gradations which are often very difficult to classify. To begin with, the public authority, be it what it may, may concern itself only with offences held to injure the whole community, *e.g.*, ceremonial offences, breaches of the tribal marriage laws, witchcraft, and especially murder by witchcraft, indiscipline, treason, cowardice, violation of the rules of the

1. Among the Central Esquimaux a murderer settles in the house with the relations of the murdered man, and after some weeks' residence with them is challenged to a wrestling bout. If defeated, he suffers death; if victorious he may kill one of the family. (Boaz, *op. cit.*, p. 582.) In many cases the regulated fight is less serious, thus, among the Western Esquimaux, quarrels are often settled by a boxing match. (Bancroft, p. 65.)

hunt. These we class as "Tribal or Sacral offences," and we find in fact a large number of instances in which such offences are punished by some public effort and no others. Thus among the Bellacoola, a Salish group, we find that for transgressing the laws of the Kusiut ceremony, *e.g.*, by performing a dance to which a man has no right or making a mistake in dancing, the penalty is death, adjudged by the assembled chiefs. The execution is by a shaman, who bewitches or poisons the offender, but if the offender recovers he is not molested further, and a relative may, if willing, be substituted.¹ There is no account here of the treatment of other offences, but of the Salish, Kwakiutl, Nootka, Tsimshian, Thlinkeet, and Haida peoples, Niblack (*Smithsonian Reports*, 1888, p. 253) says: "In cases such as witchcraft or offences of medicine men, sentence of death or of fine is adjudged by the leading men of the village after trial. In most instances, however, the law of blood revenge, an eye for an eye, leaves little need for other than family councils, as they are purely totemic offences and are arranged by the injured gens." These are clear cases of the distinction between sacral offences deemed to concern the tribe, and private matters. More doubtful instances are those from the Makh-el-chel, a Californian tribe among whom, according to Powers (p. 214), we are told that a woman could be put to death by the chief for marriage or adultery with a white man. So again among the Nishinan, a very low Californian tribe according to the same authority (pp. 318, 320), kidnapping was punished by the community, but the leading case is that of a chief who sold a woman to the Spaniards. Probably both these instances are to be regarded as acts of quasi-treason to the community. Among the Seri, again, there was a kind of ostracism which might culminate in outlawry for associating with aliens, deformity, incurable indolence, disease, mental aberration, decrepitude, and a certain breach of the marriage law. Of these indolence was an offence against the clan, because it had to support each of its members; and the marriage regulation was that a bride should for a year be at the disposal of the bridegroom's clan fellows. If he exercised his own rights during that time, he offended them collectively. All these therefore we should class upon the whole as of the nature of public offences. Sometimes again, breaches of order in the hunt might be punished by a special Hunt police, as among the Omaha,² while among many Australian tribes, it is well known, breach of the marriage rules was the most definite occasion for the intervention of the collective force of the group. Next, the community may intervene irregularly or in special cases. It may avenge the death

1. Boaz, B.A., 1891, p. 417.

2. Dorsey, Omaha Sociology. Smilie, iii., pp. 288, 363, 367.

of a chief or popular man.¹ It may expel or kill a man who has killed two or three others in cold blood or who has made himself generally unpopular.² This sort of public justice falls far short of any regular rule assigning definite punishment to a specific offence. It is more like lynch law, or the exceptional act of a civilised government in troubled times. We class such cases as acts of "Occasional" public justice.

Next a public authority may deal with some cases of private wrong and not others, *e.g.*, with homicide and not theft, as in some Australian groups; or with theft and not homicide, as in some South American instances. These come under our heading "Public justice in some private offences."

Again, the system we find may be one in which private and public elements are intermingled. The injured party may, for instance, get the chief or some officer to help him, to find the stolen goods,³ or to arrest and confine the murderer of his brother. But he initiates the proceedings. He decides whether he will forgive or accept compensation or exact life for life,⁴ and he executes the

1. Thus among the Shoshones, according to Bancroft (p. 435), a murderer may be left to vengeance, "or if the sympathies of the tribe are with the murdered man, he may possibly be publicly executed but there are no fixed laws for such cases."

2. Thus among the Esquimaux of Labrador (Turner, *Smithsonian Reports* 11, p. 186) a man of very bad character may be boycotted, and if, under these conditions, he were to commit a murder, several men may combine to put him to death. So too among the Central Esquimaux (Boaz, *Smithsonian*, 1884-5, p. 582 and appendix), if a man has made himself odious, *e.g.*, by murder, and especially by repeated murders, any man may ask the consent of his neighbours separately to his death and may kill him without fear of vengeance. A transition to more regular law may be illustrated from the Campas, who had no regular government and habitually practise vengeance, but of whom Urquhart (*Scottish Geogr. Magazine*, 1893, p. 349) states, in the case of a man who had murdered his mother, "Not an Indian but would kill him upon sight." Lynch law is here becoming as effective for certain purposes as public justice, but we should still, on the whole, class the case as "Occasional."

3. *E.g.*, among the Karayaki and Sambia, the chief's function is to help in bringing offenders to account, but not to execute punishment, which is for the injured party or kin. (Ehrenreich. *Beiträge*, p. 29.) Among the Kalmuks there is no death penalty but a murderer refusing to pay the fine might be surrendered to the relatives. (Liadov, *J.A.I.*, 1, p. 414.)

4. Thus, among the Gallino-mero of California, Powers (*Contrib. to N.A. Ethn.* iii, p. 177) states that the avenger of blood has his option between vengeance and composition, "but he does not seem to be allowed to wreak on him a personal irresponsible vengeance. The chief ties the criminal to a tree while a number of people "shoot arrows into him at their leisure."

sentence.¹ Possibly there is even a regular trial, but sentence is left to the accuser to execute, and if he cannot enforce it there is no further means of redress. Again, it may be wrong for him to exercise revenge until he has obtained a judgment in his favour which states what the revenge ought to be. Or it may be that he can avenge himself on the spot, but if time has elapsed he ought to go to a court.² In all these cases there is a blending of opposite principles. We class them as cases in which private justice is assisted or controlled, or both. The difference between Assistance and Control is difficult to assign in general terms, but we have placed each concrete case under one head or the other according to the details given.

How far to extend these heads is one of our most difficult questions. At the lower limit we demand something more than custom or public sentiment as the force supporting (or controlling) the avenger. To take a concrete case. Among the Geawegal in Australia we are told that custom requires a man who has injured another to expose himself to spears thrown by him. This, Rusden³ says, is never refused, but if it were it would be enforced by the collective power of the people. Taking this as literally true, we class it as a case of Assisted Private Justice.⁴ Among the Bangerang, according to Carr, there is a similar custom. But if the aggressor declined the result would probably be that he would be killed some time or other by the injured man and no one would avenge him. We leave this among cases of private justice. Other cases of expiation, where we are not told what would happen but

1 E.G., among the Ojibways, according to Jones (*Hist. of the Ojibway Indians*, p. 109), murderers were brought to trial before the council, and if the relatives required it, the punishment was usually death, executed by the next of kin.

2. Thus, among the Bataks of Palawan, in cases of murder, theft, or adultery, the relations may exercise vengeance on the spot, but if the matter is reported the old men intervene and prescribe punishment. (Venturillo, *I.A.E.*, xviii, p. 138.)

3. Fison and Howitt, *Kamilaroi and Karnai*, p. 282.

4. A doubtful and peculiar case is that of the Greenland Esquimaux. An injured man, according to Nansen, will challenge another to a drum dance, in which each party sang satirical songs at the other, and the losers might be "fairly driven out of their homes and settlements by this means" (Nansen, *First Crossing of Greenland*, ii, p. 328). It would be absurd to call this Public Justice, as we are told that the winner was the man who could secure the laughter of the audience on his side; though it may be held to involve a certain public intervention. It has been brought here with some doubt, under the head of "The Regulated Fight." Vengeance by relatives also occurred among these peoples, a murder being no "business of the community." Yet bloodshed was abhorred (*Id. Eskimo Life*, p. 162-3).

merely that it is the custom, we have entered separately. Generally when we find either (1) that a man can get the help of a chief, but that there is no account of any trial, or (2) that there is something of the nature of a trial, but that the accuser has in the end to act for himself, and can accept any satisfaction offered him, we class the case as one of Assisted or Controlled Private Justice, as the case may be.

Apart from punishment for wrong done, the chief or the community may intervene to settle disputes. This is the rudiment of civil justice, and nothing is more common than to hear that it is the business of the chief to "settle disputes." But if we read further of the functions of the chief we are quite likely to find that he has no definite power, that he trusts to his influence, that this depends on his character and circumstances, or that he rules by persuasion rather than authority. We cannot, then, regard him as a civil judge with powers to execute his decisions.¹ Very probably his decisions are, in fact, accepted as a rule, but unless there exist means of coercing the recusant in the last resort we cannot speak of civil justice in the full sense. We class all such cases under "Arbitration," a heading which will include at the one end the simple settlement of disputes by an impartial person, and at the other an award which is formally given but is not enforced on the parties.² It would be useful to subdivide these cases, but this has not been attempted on the present occasion.

In some cases our information takes the form of a denial of any regular method of redress, rather than a positive description of self-help. We gather that there is very little regular govern-

1. We should hesitate to attribute anything more than powers of arbitration in a case like that of the Manthra, where the chief is said to settle disputes, including questions of theft, but no information is given about the punishment. One would suppose in such an instance that if the chief inflicted punishments, a statement to that effect would have been added. (Borie, *Tijd. voor Indische taal land en volkerkunde*, x, p. 407.)

Sometimes the arbitrator might be changed. Thus, among the Tagals, the dato administered justice but if not satisfied with him, the parties might go to an arbitrator. We must infer that his authority was not executive, though among this people there was a death penalty for tribal offences and a scale of composition for others. (Blumentritt, *Z.E.*, 25, j. 16.)

2. As among the Hupa of California, Goddard (*University of California, Explorations*, vol i, p. 59) shows that there was a regular system of arbitration which was wholly voluntary, and if it failed, vengeance, which might be vicarious, was the resort. Among the Ghiliaks all we hear of the maintenance of order is that the elder men would adjust disputes, the alternative being a duel, in the presence of witnesses, terminated by a slight wound. (Deniker, *R.E.*, ii, p. 309.)

ment, no regular law, no courts, etc.¹ In such cases, if the evidence is sufficiently positive, we may infer that if a man wants redress, he must get it for himself. But it would be going beyond our warrant to say that self-redress actually exists. The evidence is negative and as such must be received with caution. Where we decide to accept it we class the case as one of "No Law," meaning by that there is no stated method by which the collective force of the community is brought to bear upon a wrongdoer.

In some instances the reason for the lack of this function is that happily it is not needed. Grave crime is so rare that no provision is made for dealing with it, and the question what would happen if it occurred can only be answered hypothetically. Thus the sixteenth century Jesuits found the Tapuya people to be such lovers of peace that none of them had any remembrance of "balterie" or quarrelling among themselves, while they even treated their enemies humanely. Though the Tuski have no assignable methods of dealing with crime, it may be, as we have seen, because it is too rare to have given occasion for any such institution. Among the Dodonga we are told that murder, theft, and adultery are almost unknown, and similar accounts are given here and there of other peoples. We class these happy communities, of which there is a sprinkling in most of our grades, as "Crimeless."

Lastly, there are cases in which public punishments are spoken of, but the nature of the offence which would provoke them is not given. These are tabled as "Unstated."

(2) *Methods of Redress.*

As to methods of redress something has already been said. But it should be noted that there are several points which are distinct in idea but may in practice be combined or entangled with one another.

(a) When an act is regarded as a private wrong, the desire of the injured party may be for physical vengeance. Or he may be satisfied with some form of compensation. In the case of vengeance he is apt to exact as much as he suffered, for otherwise he is left with a feeling of inferiority, and his pride must be reckoned with as well as the instinctive impulse to "take it out" of the man who has hurt him. Anything like "exact talion," therefore,

1. Thus, among the Koniaga, the information collected by Bancroft gives no clear account of the manner in which any offences would be dealt with; we are only told definitely that "authority is exercised only by heads of households" (p. 80). So again, according to the same authority, the Chepewyans have no laws or government (p. 121). Among the Tuski, it is clear from Nordenskjöld's account (*Die Umsegelung Asiens*, Bd. ii, p. 123), that there is no definite method of maintaining order, but here crime appears to be very rare, if not quite unknown.

even when inflicted by a public body, is suggestive of underlying private redress, and this is still more the case where talion takes the form of the satisfaction of one family group at the expense of another. If one of family A has killed one of family B, it has weakened it, and equality demands that A should be weakened proportionately by the loss of as good a member.

(b) When an act is regarded as a public wrong the leading idea is the defence of society. Hence in grave cases the object is to exterminate the offender; exile may be sufficient but death is surer and it rids society of a centre of danger. In less grave cases society, like the individual, may be satisfied with atonement. This is (a) a way of punishing the offender,¹ (b) if the wrong is an offence against an individual of satisfying him, (c) of enforcing on the offender an admission of his wrongdoing, possibly of placating supernatural powers (e.g., by a sacrifice or feast at the expense of the offender), and also of re-establishing harmony and good relations by a payment to the chief or to the community. There is a very clear notion in early society, as in our own childhood, that many, if not all, offences may be wiped out by a certain sacrifice on the part of the doer. This is not true compensation. It is atonement.

We class as Composition only cases where payment of some sort is made to the sufferer. Where this is clearly made by the judgment of a court we class it under Public Justice as "Fine to injured party" and contrast it with the "Fine to Court" (i.e., to the chief judge, or possibly the community), which in practice often goes along with it.² We class under "Atonable" cases in which

1. Where expiation is the prime motive, the penalty may only come upon the offender in a roundabout fashion. Thus, among the Padam Abors, no free man may be put to death, and if a crime is committed the community must expiate it by a sacrifice. For this purpose it takes the first animal that comes to hand, the owner thereof being free to recover as best he can from the original offender. (Dalton, *Eth. of B.*, p. 24.)

2. While we are frequently told that offences are compoundable, it is not always easy to make out whether the fine is inflicted by a chief or court, or exacted by the injured party. Thus among the Patawat in California, Powers (*op. cit.*, p. 98) tells us that murder is punished by a fine of shell money—10 strings for a man and 5 for a squaw, but he does not state definitely by whom it is imposed. From his general account of the Californians we may assume that it is a case of composition for vengeance, and we have entered it as such with a query. Sometimes, when it is clear that a fine is inflicted by a court, it is not certain to whom it was paid; thus, in Flores (Riedel, *Rev. Coloniale Internationale*, 1886, p. 69), the chief and elders are charged with the settling of disputes, and we are told that adultery, arson, wounding and larceny are punished by fines in default of which the offender may be sold into slavery, but we are not told to whom the fines go. We have therefore had to enter the case under "Crimes Atonable," not under "Composition," though very probably the latter head would be justified.

we are told that all or most grave crimes can be made good by payment, but without learning more precisely the form in which this payment is imposed. Our figures tend to show that the principle of atonement rather extends than restricts itself as we ascend the scale. It is only in Australia that the form of atonement which we call the Expiatory Combat occurs in any large number of instances, and if we omit these the cases of atonement among the Hunters would be very few. This result is what we might expect from the economic development.

(3) *Procedure.*

In the lower societies information about procedure is often very defective. We sometimes hear of a man being "found guilty," but with no indication of any trial which precedes the verdict. Often an Australian group holds definite consultation on the question whether a man should be killed, but on what grounds the decision is taken we do not know. Here and there, as in N.W. Central Queensland, we hear specifically that the camp council enquires whether a man who has slain another in a fight had just reason for so doing, and, if not, puts him to death. This seems to be at least a rudimentary trial, but unless we have a clear statement that the accused is heard, or that some regular process is gone through by which justice is established, we hesitate to give it the name. We table as cases of Public Justice "With Trial" those in which the evidence points to a formal investigation, and we have numbered the instances in which the Oath or Ordeal is used.

The bald results in each grade will be found in the tables in Appendix II. To interpret them we must in the first place group them together; and, in the second place, consider them in relation to the actual structure of society in different parts of the world and in different economic grades.

THE RESULTS GROUPED.

In order to ascertain whether there is any real advance in the public enforcement of justice as we ascend the scale, we have brought our headings together in three columns, representing stages in the transition from unorganised to organised justice. The task of so grouping them presents considerable difficulties and we have accordingly formed two classifications, referred to as A and B, in order to check our results at the principal points of doubt.

CLASSIFICATION A.

In the first place we form three columns :—

In column 1 we place cases of Retaliation, No Law, Regulated or Expiatory Fight (where we have no reason to regard this as a

penalty enforced in the end by the community). We do not remove a case from this group, because it also comes under "Occasional Public Justice," "Public Justice in Tribal offences," "Composition," or "Arbitration." We regard this as the lowest normal level of organisation.

In Column II we place cases of Assisted or Controlled Private Justice, and those in which some Private Offences are publicly punished. These may be combined with Retaliation or Composition. We add to this column the numerous cases in which there is a definite system of Public Justice covering all or most ordinary offences, yet self-help is still a recognised institution—the two in fact existing side by side.¹

In Column III we have only those cases in which Public Justice is the regular system, although Composition may be allowed.

We are able to bring most cases under one or other of these groups and to find material differences as we pass from one stage to another. One point, however, remains to be explained, before we consider our results.

It will be seen that in some cases the letter E is entered in place of a cross under Retaliation. This means that injuries by anyone alien to the community are redressed by the sufferer. This seems at first sight to have nothing to do with internal justice but to be

1. The intermixture of private and public justice is due to various causes. It may be that the ties of kinship are too strong for the nominal authority of the chief. That would seem, from Ling Roth's account (*Natives of Sarawak*, vol. ii, p. 228), to be the case with the Sea Dyaks. Similarly, among the Munda Kols, we are told that cases of divorce and adultery were brought before the village meeting and the offending man might be beaten, but this was often not carried out owing to the power of the kindred. (Sellinghaus, *Z. f. Ethn.* iii, pp. 370, 371.)

Sometimes we see a transition due to the contact with the higher civilisation, thus, among the Araucanians of Chile, the older system is one of pure retaliation while now, according to Latham (*J.A.I.*, xxxix, p. 355, 6), crimes are tried by the chiefs and elders of a clan but the condemned man may still resist, and if he belonged to another clan would do so, with the result that a tribal feud might arise. Among the Sonthals again, disputes were formerly decided by duels, "but of late time, as equitable remedies have been brought near them, this remnant of a barbarous age has departed." (Man, *Sonthalia*, p. 90.)

Sometimes a criminal if caught may be killed on the spot. This is the case with a murderer among the Yao (Werner, p. 264), where, nevertheless, a regular system of public justice is found. Among the Wadschagga, along with the regular system of justice, blood revenge for murder seems to be fully recognised. (Kohler, *Z.V.R.*, 15, pp. 53, 62.) And among the Ova Herero the chief does not interfere with vengeance for murder unless moved to do so. Moreover, if the injured party is not satisfied with the decision of the court, he will take vengeance on his own account. (Dannert, pp. 10, 11.)

more of the nature of irregular warfare, and it is true that the line between family vengeance on an outside clan, and inter-clan feuds merging into tribal warfare is not easy to draw. But war proper is a collective act, and the characteristic of the vengeance in question is that it is instituted and executed by the aggrieved party and his kin without reference to the community as a whole.¹ It is therefore true retaliation, true private justice. But it is compatible with a high development of public justice within the society, and it must therefore be distinguished from self-redress within the community.

But here arises a difficulty which affects our classification a good deal. In many cases the question whether self-redress is classified as internal or external depends on the classifier's selection of the social unit. In the case of the ordinary Australian tribe we could produce solid reasons for taking the local group as the unit, and solid reasons for taking the tribe as the unit. On the former view we could produce a large number of cases of partially developed public justice or of assisted and controlled private redress—e.g., in North and N.W. Central Queensland, among the

1. Thus among the Australians, we are often told that any natural death is attributed to a member of some other tribe or local group. It may then be the duty of the whole group to which the dead man belongs to avenge him. This gives rise to a tribal war or a feud between groups, which is often settled by a ceremonial fight. But it may also be avenged by the relatives. Thus, on the Darling River, if a corpse makes a movement in the direction of the guilty sorcerer's camp, some months afterwards a brother or other relation takes other men with him and finds the murderer, wounding and perhaps killing him. (Bonney, *J.A.I.*, 13, 134.) This seems to be primarily an affair for the relatives and friends, and in any case is mere vengeance upon an individual. Similarly, according to Le Souef (in Brough Smyth, ii, p. 289) any death is avenged by the relatives killing the first man of another tribe whom they meet. Again, among the Watchandee, while an aggravated case of real murder would lead to the invasion of a hostile tribe by all the males and indiscriminate massacre, a magic murder is dealt with by a single man who tracks the foe to his camp, where he is hospitably received though his errand is known, and he presently assassinates his man. (Oldfield, *Trans. Ethnol. Society*, 1865, p. 246.) This we should treat as External Retaliation. Sometimes the line is hard to draw. Thus, among the Paharias, according to Dalton (*Ethnology of Bengal*, p. 265) a man who has a claim on one of another village, gets his chief to assemble the vassals, plunder the village, and seize the offender, who would be detained until his relations paid up. As the chief acts in this case, and with his followers takes the plunder, we treat it as war, though it is mainly a matter of private redress. A clearer case is the custom which we find among the Bontoc Igorottes, according to which if a man is killed by a member of another village, he may be put to death by his own community or it may offer compensation; failing this there is war. This is clearly not a case of private redress but of the action of the community. (Jenks, p. 170.)

Narrinyeri, in West Victoria, among the Dieri, and so forth, and the cases of self-redress, at least as far as the murder of an adult male is concerned, could not be very numerous. The feuds, regulated fights, and expiatory fights between different groups of the same tribe would then all be regarded as external matters irrelevant to domestic justice and pertaining to the province of war. On these lines we should regard the typical Australian community as very small, consisting often of not more than 20 to 40 or 60 individuals,¹ as maintaining justice among its handful of members through the council of elders and as living on terms of friendliness, chequered with frequent charges of magic murder, with other groups speaking the same dialect, quarrels between groups being settled by real or ceremonial combats. The society would figure as tiny but as relatively well organised internally.

On the other hand the whole tribe might with equal appropriateness be regarded (in the sense explained above, p. 308), as a single, larger, but less well organised society,² between whose divisions party quarrels were frequent and were settled by fighting, more or less serious according to the nature of the case and the feeling between the groups. So treated an Australian tribe would be analogous to some more advanced society, comprising clans, villages, or other divisions. Within the clan of such a society, there is very possibly impartial justice, while between the clans there is only collective self-redress.³ In this case, however, we are too likely to hear nothing of the justice within the clan. It is between clans that trouble arises and with this trouble that the code of the tribe is concerned.⁴ Such a society therefore is apt to figure

1. Though occasionally extending beyond 100.

2. Thus throughout the Boulia district, according to W. E. Roth (p. 41), the natives can make themselves mutually intelligible, and possess in common trade-routes, markets, hunting grounds, customs, manners, and beliefs. They intermarry and would make common cause against an enemy. Mr. Roth describes them as messmates. His statement defines very fully what we mean when we speak of a single society in the absence of a common government.

3. Thus, among the Wyandots, who had a well developed gentile system, there is a clear distinction between offences within the gens, dealt with primarily by the gentile council, and offences between gentes, which are matter for compensation or, in the alternative, of vengeance by the kin. Though the tribal council in either case might intervene (at least in a question of murder), the distinction of principle is clear. (Powell, *Wyandot Government*, *Smithsonian Reports* i, p. 67.) Among the Ossetes, there was vengeance and later composition as between family groups, while within them the head might fine and even excommunicate an offender.

4. Thus, among some of the Igorottes, we have clear accounts of vengeance exercised upon members of other villages and leading to prolonged blood feuds (Blumentritt, *Dr. Pet.* p. 28), but we have no statement as to the relations within the village. The existence of ordeals (p. 30) would

in our Column I, as an instance in which self-redress by the kinsfolk is the regular method of obtaining justice, for there is no doubt that it is one society, and that self-redress exists as between its constituent parts while of the internal regulation of the parts we hear nothing.

It will be seen that unless we are careful to compare like with like as nearly as the conditions allow our classification may give a topsy-turvy result. The very fact that a society has grown beyond the primary group, and in its wider form is sufficiently compact to make it clearly recognisable as a unity, will also lead to recognised internal self-redress as one of its institutions, and it gets into our Column I in consequence. Were the society still better organised no doubt it would have public justice throughout. But the serious point is that if it be less organised, so little organised that we do not easily recognise it as a unity, it again escapes column I and gets back into the highest column on account of the justice found in its

seem to point to some public regulation but we can assert nothing with any definiteness. Among the Bagobos, again, blood revenge is said to exist to the fullest extent, but the description appears to refer to different villages, and of offences within the village we learn only that they are compoundable without being told how the composition would be enforced. (Schadenberg Z.E. 17, p. 28.)

In other cases what we hear is incidental and vague, but often sufficient to show that quite different ideas are at work. Thus, among the Thlinkets, we learn from Swanton (*Smiths. Rep.*, xxvi, p. 427) that as between clans, there is retaliation, which may be vicarious, or composition; while within the family any disgraceful act is so keenly felt that the offender may be killed for it. Among the Shushwap, an interesting case is related by Mr. Teit. A bad man is slain by his relatives on the ground that he has conducted himself in such a way that someone will kill him, "and then we shall have to avenge his death." The deed is done in a large lodge but no one interferes until his slayers begin to challenge the others. (*Jesup Expedn.*, vol. ii, p. 560.)

Among the Creeks, in the time of Hawkins (*Trs. American Eth. Soc.*, 1853, pp. 66, 67) murder was primarily an affair for the relatives but the tribe might interfere if it thought itself likely to be affected, and then might seize either the murderer or the next of kin, hence the relations sometimes put the guilty man to death in self-protection.

According to Loskiel's account referring mainly to the Iroquois and Delaware, murder was avenged if not compounded, but if a man had killed his own relation, he escaped without much difficulty, for the family—who alone had the right to take vengeance—did not choose to deprive themselves of two members at once. (*History*, vol. i, p. 16.) Such illustrations tend to show how the very fact that men rely on the kin mainly for protection implies a different attitude, whether more or less severe, to offences within the kindred. The system moreover involves the virtual autonomy of kin in a code of customs recognised by the whole community, and therefore likely to impress a visitor.

smallest groups. We should thus get the paradox that societies of very low organisation (we are not speaking here of their economic grade) would tend to rank it with the most highly organised societies and above those which are really intermediate.

We avoid this pitfall by tabulating our societies twice over. With this object we form the heading "Primary group alone," under which we enter those societies in which we find some element of public justice, but only within what we have called the Primary Group. Of these we have two cases:—

(1) Among the Asiatic forest peoples the Primary Group is the only society that there is. Within it the elders may maintain order and punish offenders, and this is "public justice" in the only sense in which the term can be applied among such peoples. But beyond the group there are no regulated relations at all, so that such a people is really of lower social organisation—has on the whole less provision for the maintenance of order and redress of wrongs—than a tribe recognising a common head, but consisting of a number of such groups practising self-redress as against one another in accordance with a recognised code, for in such a tribe as has been observed there may be "public justice" within the kinsfolk though not as between one set of kinsfolk and another. Our first case, then, consists of those instances in which the enlarged family or family group and society are identical.

(2) Our second case comprises societies which have subdivisions, often but not always coincident with a kindred, protecting their own members and exercising some internal justice.

Including these two cases within the meaning of the term "justice within the primary group," we proceed, so far as our evidence allows, to distinguish the instances in which public justice extends so far but no farther, and on the basis of this distinction we make two tables. The first recognises "public justice" when confined to the primary group. The second ignores it when so limited, requiring (a) that it should be extended to a society wider than that of the family group, and (b) that it should cover the relations of any divisions which such a society may comprise. In other words, in the first table we take the narrower of the available views of what constitutes the social unit, while in the second table we take the broader. Thus in the case of the Australians—numerically the most important body concerned in this question—we take first the view that the local group is the society, and reckon all retaliation beyond it is "external"; while in the second table we take the view that the tribe is the social unit and that feuds between groups constitute a form of internal self-redress.¹

1. The difficulty in applying this definition in Australia is that the term *tribe* is differently used by different writers (*e.g.*, in the passage quoted above Mr. Roth uses it of the several "messmates" separately) and

Of the two tables the second gives the fairer basis of comparison between societies of different grades. For, as already remarked, in the larger societies we are often left without information as to the conditions obtaining within the primary group, whereas in the lower societies it stands out as the effective social unit. Hence in the first table many societies will figure as practising self-redress alone, although there may in fact be quite as much "public justice" within their constituent groups as is found in lower societies which do not extend beyond such groups. Moreover, this table involves the placing of justice between the nearest neighbours and kinsfolk on a level with justice as between distinct groups, and it is, in fact, precisely the difference between these two applications of justice which constitutes the principal distinction in the organisation of the simpler societies in relation to the maintenance of order. Nevertheless, it is desirable that both points of view should be exhibited, and our first table acts as a check on our second, indicating (as will be seen on comparing the two) the existence of elements of justice penetrating down to the lowest levels of social organisation.

There is, however, just this difficulty to be met. Among higher peoples it is barely possible that the cases marked as External Retaliation would in some instances be really analogous to self-redress, as between groups in, for instance, an Australian tribe. We have therefore made a third table, in which all cases of external retaliation above the Lower Hunters are reckoned under Column I, while among the Lower Hunters retaliation is not reckoned unless it be known to be between groups of the same tribe. This is done to avoid the danger of exaggerating the preponderance of retaliation among the Hunters. A comparison of Tables II. and III. shows that the discrepancy is not great, and as undoubtedly most of the "external" instances are truly external, and not comparable to the inter-group relations, the error, if any, in Table II. cannot be large.

that the limits of the tribe in the wider sense are often vague. We have no doubt that the local group is normally a member of a wider society in our sense. But we cannot always identify this society. In that case we have no alternative but to treat all dealings beyond the group as external or "foreign." But often there is clear mention of a "tribe" to which the group belongs and in general we may roughly identify this tribe with our wider society. In so doing we are on the safe side for in point of fact close social relations often extend beyond the tribal limits.

As to the local group it is not always identical with a kindred or enlarged family—though it seems to be so in many cases—for it may contain kindreds within it. But though not identical it is in relation and tribal government closely analogous to the kindreds or clans of other peoples. Our first table emphasises the differences, our second the agreement, so far as affects justice.

The full list of peoples on which the tables are based is given in Appendix C, together with a discussion of certain difficulties and doubtful points in the classification, subject to these we arrive at the following results:—

CLASSIFICATION A.

TABLE I. JUSTICE WITHIN THE GROUP.

	Col. I.	Col. II.	Col. III.
L. H. ...	23	13½	½
H. H. ...	53	5	3
Dep. H. ...	1½	6½	1
A ¹ ...	16	7	6
P ¹ ...	5½	5	3
A ² ...	36½	30½	23½
P ² ...	5	3	7½
A ³ ...	13½	38	37½

Expressing the figures in each column as a fraction of all the cases in each grade we have:—

	Col. I.	Col. II.	Col. III.
L. H. ...	.62	.36	.01
H. H. ...	.87 (.78)...	.08 (.16)...	.05 (.06)
[Dep. H. ...	.17	.72	.11]
A ¹ ...	.55	.24	.21
P ¹ ...	.41	.37	.22
A ² ...	.40	.34	.26
P ² ...	.32	.19	.48
A ³ ...	.15	.43	.42

The Dependent Hunters should either be passed over or reckoned in with the Higher Hunters. The figure in brackets shows the result of the latter method.

From Table I. we form Table II. for Justice beyond the Primary Group by taking from Cols. II. and III. cases in which public intervention in private offences is confined to the primary group. These are added to Col. I. if we have direct evidence of self-help. Otherwise they are merely deducted.¹

1. Where the conditions within the group are too vague for entry but there is clearly no organisation beyond it, *e.g.*, among the Veddas we get in Table ii an addition to col. i. In the case of the Wyandots justice within the group falls under col. iii, beyond it under col. ii.

TABLE II. JUSTICE IN THE SECONDARY GROUP.

	Col. I.	Col. II.	Col. III.
L. H. ...	34½	4	0
H. H. ...	53	5	3
Dep. H. ...	1½	6½	1
A ¹ ...	17	6½	6
P ¹ ...	5½	5	2
A ² ...	36½	31½	21½
P ² ...	5	3	7½
A ³ ...	14½	37	36½

Or in fractions of all cases :—

	Col. I.	Col. II.	Col. III.
L. H. ...	.9	.1	.0
H. H. ...	.87 (.78)...	.08 (.16)...	.05 (.06)
[Dep. H. ...	(.17)	(.72)	(.11)]
A ¹ ...	.58	.22	.20
P ¹ ...	.44	.40	.16
A ² ...	.41	.35	.24
P ² ...	.32	.19	.48
A ³ ...	.16	.42	.41

Finally, we subjoin for comparison Table III., in which above the Lower Hunters cases of external retaliation are reckoned as affecting justice.

TABLE III. JUSTICE, RECKONING EXTERNAL RETALIATION.

	Col. I.	Col. II.	Col. III.
L. H. ...	34½	4	0
H. H. ...	56	5	3
Dep. H. ...	1½	6½	1
A ¹ ...	18	6½	6
P ¹ ...	5½	6	1
A ² ...	37½	33½	19½
P ² ...	5	3	7½
A ³ ...	16½	38	35½

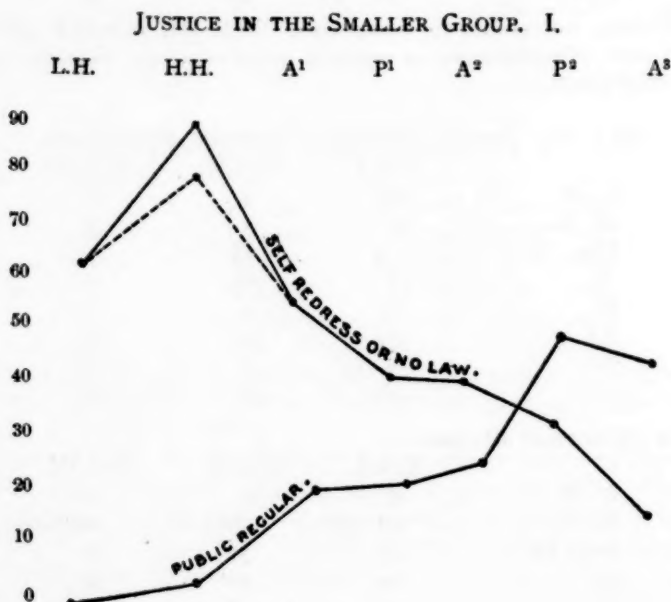
Or in fractions of all cases :—

	Col. I.	Col. II.	Col. III.
L. H. ...	.9	.1	.0
H. H. ...	.88 (.79)...	.08 (.16)...	.05 (.05)
Dep. H. ...	.17	.72	.11
A ¹ ...	.59	.21	.20
P ¹ ...	.44	.48	.08
A ² ...	.41	.37	.22
P ² ...	.32	.19	.48
A ³ ...	.18	.42	.39

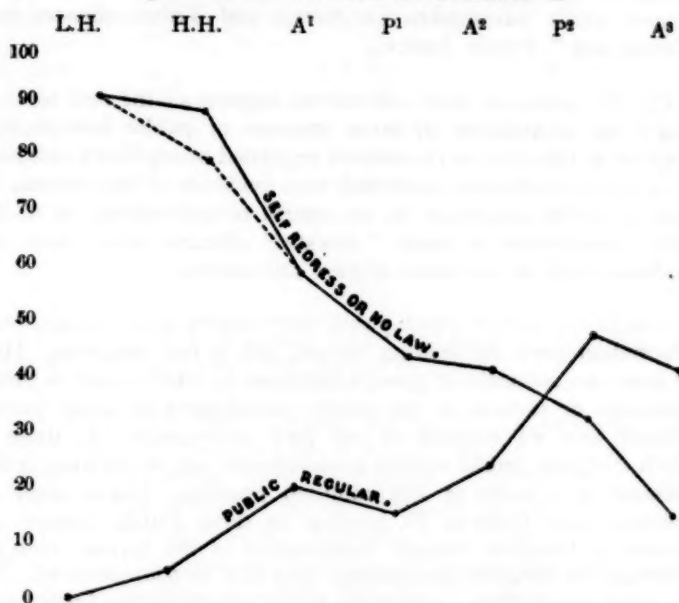
The Dependent Hunters, being either reckoned with the Higher Hunters or omitted, it will be seen that in Table I. the first column descends steadily from the Lower Hunters to A³, except for a sharp rise in the Higher Hunters. Col. III., regular justice, at the same time rises from '01 to '48 in the highest pastoral, which is slightly above the higher agricultural stage in this respect. Col. II., on the other hand, is irregular, as it gains from Col. I. but loses to Col. II. through the advance of justice. The only serious deviation from the correlation of justice with the economic grade in this table is the excess of the Higher over the Lower Hunters in Col. I. In the second table this disappears, and the only interesting irregularity here is the somewhat high figure in Col. III. for the lowest agriculture.

As explained above, the safest measure of the correlation between justice and economic development is to be obtained by taking the fraction derived from Table II., Table III. indicating the narrow limits of any possible error that may have arisen by classing retaliation among the higher peoples as external, which might, perhaps, correspond to the inter-group retaliation of the Australians.

The results of Tables I. and II. may be shown in graphic form :



JUSTICE IN THE WIDER SOCIETY. I.



Dotted lines show the effect of including Dependent with Higher Hunters.

CLASSIFICATION B.

Perhaps the only serious element of uncertainty in the above tables concerns the borderland between Cols. I. and II. Some slight amount of "public assistance" may be given or "public punishment" inflicted in a system which is mainly retaliatory, and a reference to Appendix C will show the difficulties which we have met in classifying certain societies on this account. In fact, it is hardly likely that a small and homogeneous society could be wholly indifferent to wrongs done among its members, with all the possible consequences to internal peace. It is perhaps only when strongly organised kinsfolk are found within a community resolute to act for themselves and capable of resenting interference by others that redress is, as a matter of principle, left in their hands. We may suspect that if we had fuller information we should find some form of public intervention more frequent than appears in our tables. Further, there is a measure of intervention implied in regulated fights and expiatory ordeals, and in what was called "arbitration." We have therefore checked the above tables by a slightly different arrangement. We now make a fourfold classification by dividing our first two columns into three.

Col. I. contains the cases in which we have no evidence that private wrongs are treated as matters for public intervention. Thus

it includes instances of Self-redress and No Law (whether with or without public punishment for Sacral and Tribal offences and "Occasional" Public Justice).

Col. II. is that in which self-redress appears as the real basis of Justice but is qualified by some measure of public intervention. We refer to this column (1) cases of regulated or expiatory combats, (2) cases of Arbitration combined with evidence of self-redress, (3) cases of public assistance to, or control of self-redress, or of the public punishment of some "private" offences *when these are combined with the existence of pure self-redress.*

Col. III. is that in which public intervention is, in as far as our information goes, the leading feature, but is not complete. Here we have two subordinate groups, (a) those in which there is public assistance or control or the public punishment of some private offences *with no mention of any pure self-redress*; (b) those in which a regular public system is established but self-redress is still tolerated as a more or less admitted practice. These cases are removed from Column II. because in them Public Justice has become a complete system independent of the private avenger, although his irregular proceedings may still be countenanced. For the same reason these cases stand nearer to full Public Justice than those of group (a), though they have not been formed into a separate column to avoid too much subdivision.

Column IV. contains the cases in which Public Justice is the regular system.

The following Table gives the number of peoples in each column for each economic grade. The lists on which the numbers are based will be found in Appendix C. The decimal in brackets after each figure shows what fraction it is of all cases in its grade.

	I.	II.	III.	IV.
L. H. ...	10½ (.29)	19 (.53)	6 (.17)	½ (.01)
H. H. ...	38 (.62)	18 (.30)	2 (.03)	3 (.05)
Dep. H. ...	1½ (.17)	1 (.11)	5½ (.61)	1 (.11)
A¹ ...	13 (.44)	6 (.21)	4 (.14)	6 (.21)
P¹ ...	3½ (.26)	4 (.30)	3 (.22)	3 (.22)
A² ...	31½ (.35)	15 (.17)	20½ (.23)	23½ (.26)
P² ...	3 (.19)	3 (.19)	2 (.13)	7½ (.48)
A³ ...	9 (.10)	14½ (.16)	28 (.31)	37½ (.42)

Combining the first and second columns in which self-redress

preponderates, and the third and fourth in which public justice preponderates, we get the following fractions :—

	I. & II.		III. & IV.	
L. H.82	...	.18
H. H.92 (84)*	...	.08 (.16)*
Dep. H.28	...	.72
A ¹66	...	.34
P ¹56	...	.44
A ²51	...	.49
P ²39	...	.61
A ³26	...	.74

* The figures in brackets show the effect of including the Dependent Hunters with the Higher Hunters.

To obtain the corresponding figures for justice beyond this group we transfer from a higher to a lower column cases in which the elements of public justice are found within the group alone,

The principal effect is to include all the Asiatic Lower Hunters in column I., to transfer several Australian tribes from column III. to column II., and to add several more Australians to column II. Above the Lower Hunters alterations are few. Details are given in Appendix C.

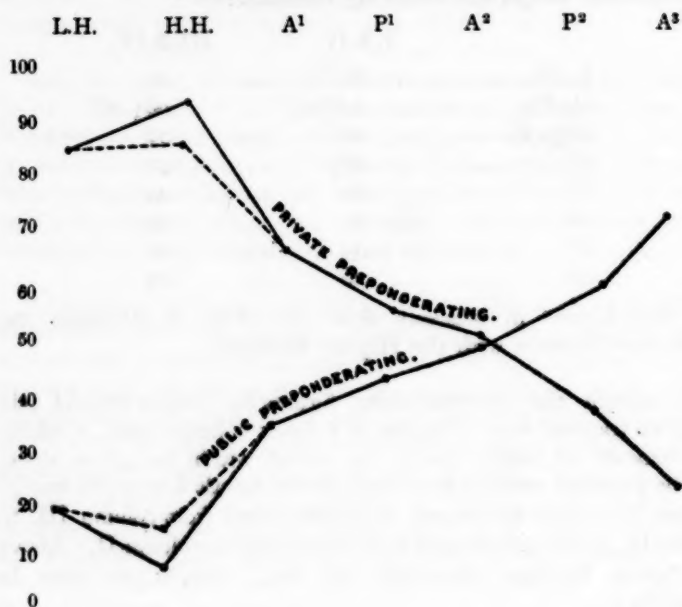
The figures are :—

	I.	II.	III.	IV.
L. H. ...	18½ (.40)	27 (.58)	1 (.02)	0
H. H. ...	38 (.62)	18 (.30)	2 (.03)	3 (.05)
Dep. H. ...	1½ (.17)	1 (.11)	5½ (.61)	1 (.11)
A ¹ ...	14 (.48)	6 (.21)	3 (.10)	6 (.21)
P ¹ ...	3½ (.28)	4 (.32)	3 (.24)	2 (.16)
A ² ...	31½ (.35)	16 (.18)	20½ (.23)	21½ (.24)
P ² ...	3 (.19)	3 (.19)	2 (.13)	7½ (.48)
A ³ ...	19 (.11)	15½ (.17)	27 (.30)	36½ (.41)

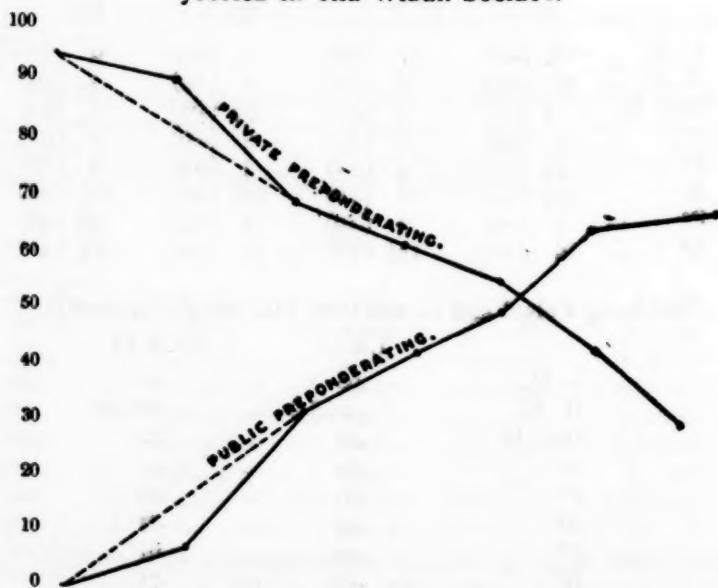
Combining Cols. I and II. and Cols. III. and IV. we have :—

	I. & II.		III. & IV.	
L. H.98	...	.02
H. H.92 (.84)	...	.08 (.16)
Dep. H.28	...	.72
A ¹69	...	.31
P ¹60	...	.40
A ²53	...	.47
P ²39	...	.61
A ³29	...	.71

JUSTICE IN THE SMALLER GROUP.



JUSTICE IN THE WIDER SOCIETY.



Dotted lines show the effect of including Dependent with Higher Hunters.

It will be seen in these tables that if we take the first two columns together there is a pretty uniform decline from the lowest to the highest culture, indicating a falling off in self-redress, while conversely, if we take the last two together, and still more if we take the last column alone, there is a nearly uniform increase, showing the development of public justice.

The only serious exception to this uniformity is the preponderance of the Lower Hunters in Col. II. This is due to the development in Australia of the method of mitigating vengeance by ceremonial encounter, etc. The Higher Hunters have also their method of mitigating vengeance, viz., composition. We have 25 cases of composition among those classes of Higher Hunters, 15 of which fell under Col. I. If we transfer these 15 from Col. I. to Col. II. we should have 23 cases in Col. I. and 35 in Col. II., nearly the same proportion for each column as among the Lower Hunters. We do not do this because composition does not suggest the same amount of Public Interference, but it is an alternative method of making peace.

The Australians, with no economic development, desire personal expiation as a method of avoiding vengeance. The American Hunters, of a slightly higher economic level, begin the practice of composition, which undergoes a material development in later stages.

As a still further test we have taken these four columns by continents in order to see whether the correlation repeated itself in all parts of the world. On this method some of the groups naturally are reduced to very small numbers, so that some irregularity is inevitable. Nevertheless, the correlation is clearly marked in each geographical division.

The figures are given in the following table:—

ASIA.							
	I.	II.	I. and II. as Fraction of Total.		III.	IV.	III. and IV. as Fraction of Total.
L. H. ...	9	—	(1.0)	.....	—	—	—
H. H. ...	2	2	(.67)	.....	0	2	(.33)
A ¹ ...	3	2	(.43)	.....	1½	5	(.57)
P ¹ ...	1	3	(.80)	.....	0	1	(.20)
A ² ...	7½	2	(.42)	.....	8½	4½	(.58)
P ² ...	2	1	(.5)	.....	1	2	(.5)
A ³ ...	2	5	(.28)	.....	12	6	(.72)
Dep. ...	1½	1	(.78)	.....	5½	1	(.22)

AFRICA.

L. H.	...	2	—	(1.0)	.....	—	—	—
P ¹	...	2	1	(.5)	.....	3	0	(.5)
A ²	...	3	7	(.37)	.....	7	10	(.63)
P ²	...	1	2	(.32)	.....	1	5½	(.68)
A ³	...	4	9	(.24)	.....	16	25	(.76)

OCEANIA.

H. H.	...	—	1	—	.....	—	—	—
A ¹	...	—	1	—	.....	—	—	—
A ²	...	15	5	(.69)	.....	5	4	(.31)
A ³	...	—	1	—	.....	—	—	—

NORTH AMERICA.

L. H.	...	3½	—	(1.0)	.....	—	—	(.01)
H. H.	...	29½	14	(.94)	.....	2	1	(.06)
A ¹	...	7	1	(.89)	.....	1	0	(.11)
P ¹	...	½	—	—	.....	—	—	—
A ²	...	2	2	(.73)	.....	0	1½	(.27)
A ³	...	2	0	(.27)	.....	0	5½	(.73)

SOUTH AMERICA.

L. H.	...	1	1	(1.0)	.....	—	—	—
H. H.	...	6½	1	(1.0)	.....	0	0	—
A ¹	...	4	2	(.80)	.....	½	1	(.20)
A ²	...	4	1	(.77)	.....	0	1½	(.23)
A ³	...	1	0	(.5)	.....	0	1	(.5)

Considering the small numbers which these subdivisions reach, it will be seen that the correspondence with the economic grades is remarkably close. The only groups actually out of their order are the two Pastorals in Asia, consisting of five and six members respectively, A³ in Oceania consisting of a single member and P¹ in North America a single doubtful case. On the other hand, the Dependent Hunters are quite out of their place, and if combined with the other Hunters in Asia bring the Higher Hunters just to the level of A¹. With these exceptions the subdivision is singularly even, and while we should draw no inference from results resting on small numbers when taken by themselves, we may fairly say that the correlation indicated by the two previous tables does not depend on any single region. It is, on the whole, independent of regional influences, and extends to the whole area of survey.

To sum up. Of the Lower Hunters there are three main groups. There are forest tribes in the Malay region and Borneo and some

scattered tribes of similar life habits in Africa and South America. All of these appear to be of the nature of family groups, with very little organic relation to one another. The name of public justice is not really suitable in these cases, but it may be used for purposes of comparison and applied to those instances in which the older people keep internal order. Understanding it in this sense, we find that even within these little groups it is by no means regularly developed. There are cases of self-redress even in this primitive cell of the social organism. The next group is that of the Australians, where the primary groups are in some cases more extensive, and are loosely united in tribes; and here, too, there are many cases of self-redress within the group, as well as many of collective justice, though there are very few where public justice extends to the tribe as a whole. Lastly, there are the Californians and one or two North Americans, where the primary group is not clearly differentiated. Here again self-help predominates as far as our accounts go.

Of the Higher Hunters, far the largest number are to be found in North America, though there is also a sprinkling in South America. Here we can seldom differentiate the primary group from the little society, which is certainly more than a family group, as a rule, though perhaps less than a tribe. Throughout this area self-redress heavily predominates.

When we pass to peoples of higher culture we are, as a rule, dealing with something distinctly more than the primary group, though there may be some cases in which the contrary is true at the level of Incipient Agriculture, and this perhaps explains the somewhat high number of apparent cases of public justice or semi-public justice at this level. But, apart from these, our societies are now enlarged, and include at least a village, and often an aggregation of villages. Thus, as we ascend the scale, our social organisation is extending in two senses. First, in the most literal sense, it is including a larger population, with greater variety of groups within it. Secondly, it is extending in the sense of becoming more complete, taking on itself more and more the function of the redress of wrongs and the maintenance of order. But in appearance these two movements tend to some extent to counter one another. For order is first established, it would seem, within the little group, and then extends itself to the wider society, which contains several such groups. The consequence is, as already pointed out, that in the intermediate stages, where several groups are sufficiently alike to constitute a loose unity, we have retaliation as between them strongly developed, while the same relations between corresponding groups at a lower stage will be thought of rather as feuds or as war between separate societies than as juridical relations between members of the same society. When we guard against the difficulties

arising from this peculiarity we see that the sphere of the collective maintenance of justice, viewed as a whole, marks a steady advance from the primary group outwards. We see also that even within the primary group public justice advances upon the whole though less regularly with the advance in material culture in the tribes that we have before us, and we therefore seem justified in regarding pure self-redress as the initial stage of development, and public control as superimposed by successive stages upon that method of maintaining order. In corroboration of this view, it may be pointed out that in the Australian instances, which are the most notable of those where public control within the group is brought to bear upon private offences, the object seems clearly to be that of preventing the extension of blood vengeance. Thus in Queensland a man may avenge his own wrongs, but if he does serious injury to the offender the camp council inflicts equal injury upon him or sees that it is so inflicted. It acts in restraint, that is to say, of unauthorised aggression or of excessive vengeance. There is no question here of the suppression of homicide as such, for parents may put their children to death without question, and if a man kills his wife he only at most exposes himself to the vengeance of her relations. So again with the Yuin; deliberate murder of another man is punished, but if a man is avenging himself, no steps will be taken against him. The expiatory combats and the regulated fights of the Australians are also all of them palpably means of ending a quarrel, or marking a point beyond which it is not to go. They do not seek to punish a wrong but to arrest vengeance for wrong at a point which will save the breaking-out of a devastating fight.

The punishment of sacril and tribal offences has an important bearing upon these issues. Steinmetz and others have held that these are the first offences that were publicly punished, excepting in so far as public punishment has been adopted as a means of restraining vengeance. We have tested this theory by enumerating cases in which tribal offences are the only ones for which we have any evidence of public punishment and comparing them with the number of cases in which we have evidence of the punishment of private offences, but not of those which are tribal in character. The result is shown in the following table, which gives, in each grade of culture, the number of cases of public punishment (a) of tribal offences without others; (b) of others without tribal offences, and exhibits each number as a fraction of the total formed by the two. The numbers are small, so we have grouped (a) the two sets of Hunters,¹ (b) Agriculture¹ and the Lower Pastoral, and (c) the

1. The Dependent Hunters, as in other cases, stand outside the normal order, but even if we include them with the other Hunters we still have a preponderance of cases in which Tribal Offences alone are given as punishable.

Higher Pastoral and Higher Agriculture together. The result is to show that among the Hunters, the number of cases in which tribal offences alone are publicly punished is overwhelmingly greater than the number in which private offences alone are so punished, while in the higher grades the relation is reversed. This result seems to corroborate Steinmetz's view.

PUBLIC PUNISHMENT OF TRIBAL AND PRIVATE OFFENCES.

	Tribal but not Private Offences Punished.	Private but not Tribal Offences Punished.
L. H.	3	0
H. H.	11	3
Dep. H.	0	6
A ¹	3	5
P ¹	0	3
A ²	8	17
P ²	0	1
A ³	2	14

Grouping which cultures we have :

H.	14	3
Dep. H.	0	6
A ¹ and P ¹	3	8
A ²	8	17
P ² and A ³	2	15

We should not interpret the cases in which private offences alone are tabled as punishable as meaning that in reality no sacral or public offences are recognised, but rather as implying that they have ceased to play the prominent part in judicial arrangements which they occupy among the Hunters, so that they pass unrecorded.

METHODS OF PUNISHMENT.

The various forms of punishment seen in our tables reveal three methods of dealing with crime. The first, treating it as an aggression to be revenged; the second, as a trespass (whether against an individual or the community or the gods) that may be atoned; the third, as something wrong that must be put down. It may be well to compare the numbers under each of the heads specially representing these methods. For the first we take the head of Retaliation only; for the second we combine Composition and Atonement, and we include under them the ceremonial and expiatory fights of the Australians. For the third we take Public Justice alone, eliminating cases of composition and atonement. We subjoin instances of the collective or vicarious principle which tends slightly to expand with the practice of composition. The results are :—

	Retalia- tion.	Compo- sition.	Atone- ment.	Total.	Collective or Vicarious.	Public Justice.	
L. H.	44½	6	21	27	10	½	(.01)
H. H.	50½	25	1	26	10½	1	(.02)
Dep. H.	2½	2	0	2	0	1	(.11)
A ¹	17	14	1	15	9	3	(.10)
P ¹	9	10	0	10	5	2	(.16)
A ²	59	43	8	50	17	13	(.14)
P ²	8	9	1	10	5	4½	(.29)
A ³	43½	49	13	61	34	21½	(.24)

PROCEDURE.

Our information about procedure is somewhat scanty, particularly among the lower peoples. Here, wherever there is anything of the nature of public justice, our informants are generally satisfied with stating, for example, that, if the accused is found guilty, such-and-such a penalty is exacted. But what sort of enquiry is held, and by what means the guilt is ascertained, we are not informed. In Australia, indeed, the spear-throwing ordeal may be regarded as trial and punishment in one, but if we restrict the conception of a trial to something which must precede punishment, we shall omit this. There still seem to be four pretty clear, and one more doubtful, cases of something like an investigation mentioned among the Australians. With this exception, trials are hardly mentioned, until we reach the Agricultural stage, as shown in the accompanying table. The list would be very much enlarged if we included, under trial, all cases in which the use of an ordeal is recorded. We have not done this because an ordeal may be of the nature of a challenge between two parties, rather than the regular part of a procedure of a duly constituted court. On the other hand, it is probable that most of the cases of regular public justice really have trials, though they happen not to be mentioned in our authorities. Thus it is pretty certain that our table understates the extent to which judicial procedure advances in the higher stages. On the other hand, the figures as to ordeals and oaths show that the direction of this advance is towards the adoption of supernatural tests rather than of rational procedure. In this respect the higher barbarism resembles the archaic civilisation :—

	Trial.	Ordeal.	Oath.
L. H.	5	0 ¹	0
H. H.	2	1	0
Dep. H.	0	1	0
A ¹	2	3	0
P ¹	1	1	1
A ²	7	26	7
P ²	6	4	3
A ³	20	35	8

1. Australian spear-throwing ceremonies omitted.

JUSTICE AND GOVERNMENT.

Lastly, we have sought to investigate the relation between the development of justice and that of government in general. Our main difficulty here has been that government may be exercised by a council whose powers are often so loosely described that we have great difficulty in deciding whether they should be regarded as an original form of government or not. We have therefore ended by leaving the council out of the question and confining ourselves to the power of the chief alone. We have taken those cases in which the chief, whether of a smaller or larger group, is described as possessing real power, and we enter in the following table the number of cases in which a powerful chiefship is asserted at each grade in the development of justice:—

CORRELATION OF CHIEF'S POWER AND JUSTICE.
CHIEF POWERFUL.

	Col. I.		Col. II.		Col. III.
L. H. ...	0	.....	2	.....	0
H. H. ...	7½	.....	2	.....	2
Dep. ...	0	.....	3	.....	1
A ¹ ...	1	.....	3	.....	3
P ¹ ...	1	.....	1	.....	1
A ² ...	5	.....	9	.....	13
P ² ...	1	.....	½	.....	7
A ³ ...	2	.....	16	.....	27
Total ...	17½ (.16)	.....	36½ (.34)	.....	54 (.50)

The result is to show a certain correlation, but not so much as might have been anticipated *a priori*.¹ It must, however, be

1. In some cases it is clear that, notwithstanding the despotic power of the king, he does not exert himself to suppress vengeance. Thus, among the Baquerewe (Hurel, *Anthropos*, vi, p. 94), it is distinctly stated that the king has nothing to do with justice and that the blood feud is in full vigour. More often we find the chieftainship struggling to exert its power in the suppression of disorder, thus Dorsey (*op. cit.* p. 370) speaks of punishments for drunkenness inflicted by the chief of the Omaha, but Fletcher and La Fleche (*Smiths*. xxvii, 619) show that this was due to the efforts of a single half-breed chief, and was in the end tolerated by the tribe. Among the Creeks Caleb Swan, at the end of the 18th century (*Schoolcraft*, v, p. 281), describes the introduction of whipping for horse-stealing, by a chief named McGillivray, presumably either a white man or a half-breed, who appears to have had some power as he is said to have appointed young men to punish whom he would, but yet was afraid to decide disputes for fear of vengeance. As to the whipping, Swan adds that "as in other cases" the punishment depends "at last" on the superior force of the injured clan.

remembered that we are only dealing with one organ of government, and if we were to ask how far does the general organisation of government affect the organisation of justice, the answer would certainly be : more closely than this table shows, but how much more closely we have not the means of telling in numerical terms.

Upon the whole matter we conclude that, both in extent and in internal quality, the development of social order is roughly correlated with advance in economic culture. The lowest societies are very small, and even within the smallest groups there is very often no provision for the maintenance of justice. As we advance from the Lower Hunters, we get always larger societies, and by degrees provision for the maintenance of justice within these extended groups. At our highest point we get a large proportion of the cases in which public justice is fully developed over the whole of an extensive group, and this brings us to the threshold of civilised order just as economically we have come to the point at which civilisation is usually held to begin.

L. T. HOBHOUSE.

G. C. WHEELER.

M. GINSBERG.

THE UNIVERSITY OF LOUVAIN.

Few place-names are calculated at the present time, in England at any rate, to stir up more emotion than that of Louvain. In that name is summed up so much of tragedy and loss, so much of high cultural ideals shattered by brute force, so much of scientific progress stayed by an almost incredible onslaught of apparently insensate fury, that it stands by proxy for all of valiant Belgium. And yet how many people are there at home or abroad, save in academic circles, to whom the word Louvain was, a few weeks since, little, if anything, more than meaningless? Those who have voyaged in Belgium, perhaps, will know of the quiet university town, with its treasure of sculptured monuments of the past, smiling peacefully upon the banks of the many-channelled Dyle. They will have visited the University Church of St. Peter—that beautiful, unfinished, Gothic edifice, built in the form of a cross, housing carvings, reliquaries, paintings, and most wonderful of all, the pinnacled and fairy-like structure of the Sacrament House standing to the left of its high altar. They will have admired the exquisitely carved choir stalls in St. Gertrude's—the church of so many treasured English memories; or the renaissance façades of St. Michel and the Collège du Pape. And they will remember—for it could not be forgotten—the Hôtel de Ville, that most perfect example of late Gothic architecture to be found in Europe, exquisite in the grace and elegance of its details and in the subtle harmony of its design. They will have carried away with them an image of the university buildings proper—the ancient *Halles* of the Guild of Clothworkers—frowning, sombre and ponderous, the heavy stone arches of its vast vestibule supporting the old timbers of the main storey. They may even have penetrated to the University Library above, a handsomely housed collection of some 150,000 works and hundreds of priceless manuscripts; and to the *Salle des Promotions*, in which aspirants for the highest academic honours held public disputations, defending their *thèses* before all-comers.

But even of these, to whom Louvain meant something more than a mere geographical term, few could have had the opportunity of penetrating into the intimate spirit of the place, of entering into

the palpitating life of the great university, of understanding its lofty aims and high ideals, of appreciating the part that it played in the intellectual and cultural development not only of Belgium but of the world as a whole.

Now that the venerable university buildings are undoubtedly destroyed and its library burnt; now that all which symbolized, in its highest form, the culture, the learning and the scientific progress of the Belgian people has been wantonly laid waste; now that Louvain is no longer a name known only in academic circles; it may be of interest to give a brief account of the history of the university and of its position and achievements as one of the great learned bodies of the world.

The University of Louvain was founded by Pope Martin V, on the petition of John IV of Burgundy, Duke of Brabant, in 1425. The Bull of its foundation as a *Studium Generale* prescribes that its princely patron should confer upon it those privileges and advantages which were due to an institution of the kind: and this, doubtless, he was ready enough to do; since it was in order to restore the ancient splendour of the capital of his duchy by creating there a centre of the highest learning that his petition to the Pope was originally made. In the early part of the fifteenth century, universities still had the power of drawing to themselves great numbers of scholars; and the new foundation which, in its character of *Studium Generale*, was privileged to receive and admit students from any part of the world and to create doctors who had the right to teach anywhere, quickly fulfilled its purpose. The ecclesiastical and secular authorities emulated one another in enriching the institution with privileges, property and endowments, so that it took its rank, almost from the outset, as one of the great places of learning in Europe.

The first period of the history of the university dates from its foundation in 1425 to the year 1797, when it was suppressed:—the Netherlands having been occupied two years previously to this by the French Republican troops and formally annexed by the Convention. During this period the faculties (after the creation of the faculty of theology by Pope Eugenius IV in 1431) included those of canon and civil law, medicine and arts; the last covering the ground of natural science, mathematics and philosophy, as well as that of philology, literature and history. This was the faculty of the *trivium* (grammar, rhetoric and dialectic) and the *quadrivium* (arithmetic, geometry, astronomy and music) of the mediæval

world in the broadest sense, comprehensive and encyclopædic.

But it was in law that the ancient University of Louvain first attained to pre-eminence in strongly influencing and shaping the national institutions of the country. The university law school did not, indeed, show any marked originality or departure from the texts and traditions of Roman law; but the close contact of its jurists with the courts and the administrative councils of the land had an immense effect upon the development of the national law of the realm.

Not until the rise of humanism, however, did the most brilliant day in the history of ancient Louvain dawn. If the university was justly celebrated for its jurists, it came to be reputed among the illustrious institutions of the world on account of its humanists. It was one of the chief centres of the renaissance of history and letters. Its scholars had world-wide fame, in the midst of an international culture which bound all literary Europe closely together. Our own countryman Thomas More took refuge from the persecution in England in this congenial atmosphere. Towards the close of the sixteenth century the high place occupied by his university is marked by the name of Justus Lipsius.

Nor did the ardent pursuit of the "new learning" that shed so great a lustre upon the University of Louvain exhaust its work in other fields. Rather, the spirit of humanism penetrated to the other faculties as well, and the whole university benefited by it. The mathematical sciences and philosophical disciplines found able representatives at Louvain. Natural science, medicine and surgery flourished. Minckelers, Vesalius, Van Helmont and Réga are names on the roll-call of the historic university.

As to the faculty of theology, Louvain has always been famous among the great academies. Though Baïus and Jansenius threatened the calm of its tradition from within in the seventeenth century, yet the great productive activity of its members made always for an enlightened orthodoxy. Its principles were those of the schoolman and especially of St. Thomas Aquinas. Of its many famous teachers one of the most illustrious, Adrian Floris, was elevated to the papal throne in 1522 as Adrian VI.

This very rough and necessarily curtailed sketch of what may be called the first period of the University of Louvain will give some indication of the ideal set before them by those who, after the suppression of the university by the French, reconstructed it in 1834. It was an ideal of the past; but an ideal to be realised in

the future: and therefore the ancient glories of the university were to be revived in the new circumstances of the nineteenth century, which all the advance of learning and of science had made possible.

As it was founded in 1425 by Papal Bull, so in 1834 it was reconstituted by a Pope. The Bishops of Belgium, taking advantage of the constitutional freedom of education which obtains in that country, approached Pope Gregory XVI and obtained his sanction for the creation of a free Catholic institute for higher education. The establishment was first made at Malines; but shortly after this the municipality of Louvain invited the incipient reconstructed university to return to its ancient home, and handed over to it the old buildings and libraries for its use.

By dint of heroic devotion on the part of Belgian Catholics, who supplied and continued to supply the necessary funds for its establishment and development—for, it must be remembered, the university had at this time no endowments whatever—the great undertaking became an accomplished fact. From 1834 to 1914 it steadily grew and as steadily prospered. In 1834 there were only 86 students in residence. Twenty years later 600 were upon the books. This number was nearly doubled during the next twenty years, and nearly trebled by 1894. The numbers ten years later (1904) were 2,148; and last year 2,900. There were then 120 professors.

This rapid and steady expansion indicates that the Catholic University of Louvain met a very real need on the part of the country, and kept pace with the increasing demands of the Belgian people for intellectual development and scientific progress. As a university, the degrees and diplomas granted at Louvain were recognised by the State as a qualification for the exercise of those learned professions, admission to which was regulated by civil enactments. The examinations qualifying for the degrees of doctor of medicine, surgery and obstetrics, doctor of law, of philosophy and letters, of natural sciences, mathematics and civil engineering are based on programmes of courses settled and fixed by the law. To such programmes the two State universities of Belgium (Liège and Ghent) must conform. Louvain, in order to secure State recognition for its graduates, naturally complied with the existing regulations. Up to the year 1876, the degrees were conferred after examination by a *jury central*, or general board of examiners, or by a board consisting of members both of the central and of the university boards; but after that date the university board had the

power conferred upon it of giving the legal degrees without reference to the central jury.

But it did not follow because a certain minimum of study and qualification was required for the legal recognition of the degrees, that the university was in any sense tied down to the mere letter of the law. Beyond the minimum required, it was free to organise its teaching and research work to the best advantage of its students. And this was done with conspicuous success. As a free university the fuller organisation of its work in the recognised faculties was conducted on the broadest lines; and its thorough and exhaustive courses of study and instruction, together with the facilities afforded for original research, gave a quite special *cachet* to its graduates.

Besides this, a number of special schools were established leading to diplomas and degrees of a distinctly university character, which were neither regulated for nor recognised by the State. The faculty of theology was also free in the sense indicated.

But freedom from the control of State legislation in this matter by no means meant laxity of work or poverty of result. On the contrary, the conditions required of candidates for the doctorate in theology were particularly arduous. The aspirant to the *laura doctoralis*, after finishing his complete training in the seminary, was required to spend six years of study as a pupil in the faculty, and was only promoted to the degree after a series of searching examinations in the many subjects comprised in the theological course, and after having in addition presented original published dissertations and defended them before the university. It was only every two or three years or so that a doctor was created in this faculty; and the coveted distinction is one of the highest academic honours that can be reached in Europe.

The same thoroughness and exhaustiveness were characteristic as well of the special schools as of the recognised faculties. The university conferred degrees in the social and political, the political and diplomatic, the moral and historical, and the commercial and colonial sciences, as well as in higher philosophy, Oriental literature and languages, archaeology, natural science, and mathematics. Diplomas were also given in agriculture, engineering, arts and manufactures, architecture, electricity, and other branches of applied science.

All these special schools and departments of the university, for the most part possessing distinct buildings, were amply provided

with appropriate libraries of standard works and periodical literature; and, in the case of the scientific branches of study, with well equipped laboratories for demonstration and research. Indeed, perhaps the most important feature of the training at Louvain consisted in the original work planned and carried out by the students, under the direction of the professors, in these schools. As nearly all the higher degrees were conferred on the merits of published and publicly defended dissertations, as well as examinations, the candidate was careful to see that he gave of his best. Public criticism is always an incentive to good work. The student worked, as has been said, under the direction of the professors of his school; and was generally obliged to submit an original written (not necessarily published) thesis as a part of his preparation for the licentiate—the degree immediately preceding the doctorate. By this means he became familiarised with methods of research and presentation of results, often several years before he presented his doctoral dissertation. In his preparation he had further the advantage of frequent *seminars*, or semi-private study circles, presided over by a professor, at which special conferences were given and papers read and discussed. The conferences were given either by professors or students of the university or by guests specially invited from other seats of learning. The papers were as a rule prepared by the students, and so arranged by the director of the *seminar* as to fit in with the courses taken by them.

All this made for the development of individuality and personal grasp on the part of the students: and much valuable published work has resulted from the system. Even if we neglect the dissertations published for the obtaining of the higher degrees, a very considerable amount of matter found its way into print in this manner.

Thus, in connection with the various schools, some thirty journals and reviews came to be founded for the publication of original research work carried out by the professors and students. Besides these periodicals, larger works, monographs, text books, and "collections" were issued from time to time; and a very considerable number of scientific and literary articles appeared in French, German and Swiss reviews and bulletins.

It would be invidious to select any one school of the university for special mention on the ground of excellence; but as Louvain is perhaps best known to scholars outside Belgium for its strongly marked neo-scholastic movement, it may be permitted to enlarge

slightly upon the work of the Higher Institute of Philosophy from which this takes its rise.

The institute is one of the special schools. It was founded by Professor—now Cardinal—Mercier, at the express wish of Pope Leo XIII, in order to prosecute the study of philosophy, and adjust the relations of scholasticism with the more modern expressions of philosophical speculation and the actual position of experimental science. The programme of studies is varied, embracing the sciences of physics, chemistry, general biology, anatomy, physiology, and psychology, as well as an exceedingly comprehensive number of courses in philosophy and the history of philosophical thought. The thoroughgoing character of this instruction will be apparent when we find in the syllabus no less than four general, two special, and a preparatory course in psychology alone, given by three professors. Here again students are greatly aided by study-circles, and have access to special libraries and laboratories—of which the psychological is one of the best equipped in the world.

The institute has its own printing works, from which is issued the extensive literature already produced by its members, noteworthy among which are the numerous volumes on philosophy by its eminent founder and his colleagues, many of the dissertations of its doctors and fellows, as well as no less than four periodical reviews, and a "collection" of the ancient philosophers of Belgium. Works coming from the psychological department are published in a series of *Travaux du Laboratoire*; and a handsome volume of *Annales de l'Institut*, consisting of some 700 pages of philosophical articles is issued year by year. The complete works of Aristotle were also in course of translation, with the addition of commentaries.

All this, which recounts but a part of the activity shown by the members of the institute, may be taken as typical of the output of the other schools.

But neo-scholasticism is in an emphatic sense the speciality of Louvain. Catholic as the university is, it was almost inevitable in such a *milieu* that the ancient heritage of scholasticism should flourish anew, in contact with current thought and adjusted to modern science. For it must not be forgotten, in any consideration of Louvain, that it is pre-eminently a Catholic university:—Catholic, as Oxford in Newman's day was Anglican; yet representative of a Catholic country in a far more complete and real sense than Oxford could ever be representative of an Anglican one. That

is an aspect of the university the neglect of which would effectually bar any insight into its life and ideals, and obliterate the very close and intimate connection that obtained between it and the life and ideals of the Belgian people as a whole. Nevertheless it was not only representative of their religious aspirations. In quite as true a sense it represented, as it helped to develop, the general culture and practical aims of a thriving industrial and commercial nation. Louvain was in every way a national university. If the Belgians could look to its faculty of theology for a scientific treatment and exposition of their religious beliefs, they could also look to its school of Brewing for a scientific exposition of the art of making their national beverage. There was scarcely a phase of national life that had not its reflection in the university, and hardly a movement in the university that did not in some way affect the life of the nation.

The English visitor to Louvain would probably be struck most by the separate colleges scattered here and there throughout the town; and his thought would naturally turn to our own ancient universities of Oxford and Cambridge. But he would be wrong if he imagined that there was any very great similarity between them and the Belgian university in manner of life or system of study.

The great majority of Louvain students did not live in the colleges, but in lodgings in the town. Some even dwelt so far away as Brussels or Malines, or even Antwerp, coming thence every day to the university for their work. As to the Louvain system of study, that has already been outlined. But it may be said that it was more like that of a German than of an English university:—with the exception, perhaps, of post-graduate work done here. Always under the direction of the professors, but none the less always aiming at the development of distinct originality on the part of the students, individual work was everywhere encouraged. And, while societies and clubs, no less than the community of their academic interests drew the members of the university closely together, the serious character of the work was never lost sight of.

Louvain had an *ethos* peculiarly its own—social and academic: an *ethos* of culture, a spirit of scientific investigation and, above all, of supreme self-reliance. This, of course, must have been experienced to be fully appreciated. But its influence is to be felt even in the publications issuing from the university, of which the extraordinary output will compare favourably in number, variety of subject, and excellence, with that of any other learned body.

We may trust and hope that the virility and the vitality of the Belgian people will rise once more to strenuous effort when this lamentable war has come to an end; and that from its fires and devastation the University of Louvain will be reborn, to labour once again in the indomitable spirit of the past at its work of learning, progress and culture with its old high ideals and the same conspicuous success.

F. AVELING.

THE DUBLIN SCHOOL OF CIVICS.

The past summer, stormy and momentous for all Europe, has been so in a peculiar degree for Ireland, and particularly for Dublin. Although, before the War, nation and city were at a crisis of their history—indeed, largely because of this—Dublin organised its first Civic Exhibition, and within the exhibition the first Summer School of Civics.

The School opened on July 27, the day after the tragedy of the shooting in Dublin streets; war was declared with Germany at the beginning of its second week; and in the third week students were attending three or four of its meetings a day and drilling with National Volunteers and ambulance corps in the intervals. Nevertheless the School not only completed its advertised three-weeks course, but continued through a fourth week.

The School of Civics was under the direction of Professor Patrick Geddes, and was organised by co-operation between Dublin and the Outlook Tower, Edinburgh. Financial grants were made to it by the Civic Exhibition and the Irish Department of Agriculture and Technical Instruction (which also sent many students, paying their fees), while the Irish National School Board sent students during the fourth week. Many notable lecturers, of Dublin and elsewhere, gave their services freely in order to make the syllabus as complete as possible.

The first week's course, arranged by the Edinburgh Committee, was concerned with the approach to Civics in education by means of Regional Survey. The lectures of Professor Geddes and Dr. Fleure (of Aberystwith) were combined with discussions on subjects of the present school curriculum, opened mainly by English and Scottish teachers. These were supplemented by an excursion for the synthetic study of the Liffey Basin, from a point on the Dublin Mountains. The landscape was described and interpreted: geographically and geologically by Mr. C. B. Fawcett (Southampton); botanically by Professor Houston (Dublin); anthropologically by Dr. Fleure, Professor Geddes, as sociologist, summing up. During the first week also Professor Grenville Cole lectured on the geology of the region; and Miss Hardy gave an example of an advanced survey, geographic and civic, in a lecture on Salisbury. Mr. Valentine Bell followed up a description of the Lambeth survey by organising the work on Dublin, making a comprehensive beginning of a survey on lines suitable for use in elementary schools.

During the second week the regional study was extended, Professor Geddes lecturing daily upon Occupations and their ethics, from primitive times to the industrial age. The third week was devoted to the ideals and responsibilities of citizenship, the studies receiving both stimulus and definite direction from the course of recent events and the official revelation of conditions in the city. Public health, housing, and questions of food supply were dealt with by Dublin experts, and lectures on Co-operation were given by members of the Irish Agricultural Organisation Society. Professor Geddes's lectures on Regional and City Survey were continued during the fourth week. During the whole period frequent conferences were held, some of them jointly with the Conference for City Promotion organised by Dr. Ratzel and other American visitors. At the conference of August 14, with Her Excellency the Countess of Aberdeen in the chair, the School of Civics formed itself into a committee for the School of Civics 1915. This committee proceeded to take steps for the carrying on of regional surveys and the practice and teaching of Civics in centres all over Ireland. Lady Aberdeen is president, Professor Geddes chairman, and Mr. W. Scott honorary secretary.

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